

## Kreckel, Brendan D

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**From:** Downs, Michael E  
**Sent:** Monday, November 2, 2020 9:00 PM  
**To:** Kreckel, Brendan D; Moncure, Halliday  
**Cc:** Ray, Liz; Baer, Julian; Sturtevant, Timothy  
**Subject:** ASPIRE Rule 25A for OAG Review (Adopted Stage)  
**Attachments:** Fact Sheet ASPIRE25 v6.docx; MAPA 3 ASPIRE25 No Fin.docx; APA Checklist ASPIRE25A v2.docx; Basis Statement ASPIRE25A v3.docx; MAPA 4 ASPIRE25A v3.docx; Summary of Comments ASPIRE25 v8.docx; Rule Pages ASPIRE 25A (Clean) v5.docx; Rule Pages ASPIRE 25A (TC All) v5.docx; Rule Pages ASPIRE 25A (TC since proposed) v5.docx

**Sensitivity:** Confidential

Good evening Brendan and Halliday,

We have another rule for review. This rule is the top priority with OFI.

For your reference, I have attached the following documents:

- 1) MAPA 3 ASPIRE25 No Fin (This document will go no further in the process, but it is our understanding your office likes to have it as a reference point.)
- 2) Fact Sheet ASPIRE25 v6 (This document will go no further in the process, but it is our understanding your office likes to have it as a reference point.)

I will provide the comments, hearing transcript, and a spread sheet that helps to cross-reference them via Teams Chat as the sheer volume will exceed the attachments limits in Outlook.

For your review, I have attached the following documents:

- 1) APA checklist ASPIRE25A v2
- 2) Basis Statement ASPIRE25A v3
- 3) MAPA 1 ASPIRE25A v3
- 4) MAPA 4 ASPIRE25A v3
- 5) Summary and Responses to Comments ASPIRE25 v8
- 6) Rule Pages ASPIRE 25A (Clean) v5
- 7) Rule Pages ASPIRE 25A (TC All) v5
- 8) Rule Pages ASPIRE 25A (TC since proposed) v5 (This copy will go to the commissioner's office, but not to the secretary of state).

The Commissioner deadline to adopt the rule is December 18, 2020. We estimate that the Commissioner will need 2 weeks to review and adopt the rule. We would like to have your initial review of the rule no later than Thanksgiving to allow enough time for changes you may propose and review of same. We apologize for the short time frame. It has taken us quite a while to respond to the 302 comments.

Please let me know if you need additional information or documents for your review, thank you.

Sincerely,

Michael E. Downs  
Policy Senior Planner  
State of Maine  
Dept. Of Health and Human Services  
Office for Family Independence  
Ph (207) 624-4135  
Fx (207) 287-3455

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**Rule-Making Fact Sheet**

**AGENCY:** Department of Health and Human Services, Office for Family Independence

**AGENCY CONTACT PERSON:**

Julian Baer, Senior Program Manager – TANF ASPIRE  
Department of Health and Human Services  
Office for Family Independence  
109 Capital Street  
Augusta, ME 04330-6841  
Phone: (207) 624-4105/Fax: (207) 287-3455  
TT Users Call Maine Relay – 711  
Julian.Baer@Maine.gov

**CHAPTER NUMBER AND RULE TITLE:**

10-144 C.M.R. Chapter 607 - ASPIRE-TANF Program Manual;  
ASPIRE Rule #25P - Working Cars for Working Families

**TYPE OF RULE** (*check one*):     Routine Technical     Major Substantive

**STATUTORY AUTHORITY:**

22 M.R.S. § 3769-F

**PUBLIC HEARING:** None Scheduled

**COMMENT DEADLINE:** July 5, 2020

**PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE:**

This rule is being promulgated to comply with statutory obligations under 22 M.R.S. § 3769-F, enacted by the 128<sup>th</sup> Legislature as part of the 2017-2018 biennial budget.

**IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE?** No.

**ANALYSIS AND EXPECTED OPERATION OF THE RULE:**

The rule establishes a Working Cars for Working Families Program, designed to assist low-income participants in obtaining and maintaining sustainable employment by providing them with access to reliable, affordable transportation. It sets out eligibility and ongoing participation criteria, and describes the application and decision processes, including termination of services and appeal rights.

**BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE:**

Research on other state models  
22 M.R.S. § 3769-F

**ESTIMATED FISCAL IMPACT OF THE RULE:**

The Legislature allocated \$6,000,000.00 in TANF Block Grant funding for the Working Cars for Working Families program to be used between July 1, 2018 and June 30, 2022. The Department is in the process of submitting a Request for Proposals from entities to administer the program for the Department.

***FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO  
INCLUDE:***

**ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:**

The indirect impact of the rule may include an expanded workforce and tax base.

**INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED AND  
HOW THEY WILL BE AFFECTED:**

Low income families with children who meet eligibility criteria will have more reliable transportation available to them, and by extension their employers will have more reliable workers.

**BENEFITS OF THE RULE:**

The rule will improve economic security for program participants and help them move out of poverty and into self-sufficiency through sustainable employment.

*Note: If necessary, additional pages may be used.*

**Administrative Procedure Act  
CHECKLIST**

**Agency:** Department of Health and Human Services, Office for Family Independence

**Chapter Number and Title of Rule:**

10-144 C.M.R. Ch. 607 - ASPIRE-TANF Program Manual;  
ASPIRE Rule #25A - Working Cars for Working Families

**PROPOSED RULE:**

1. Was this rule listed on the last regulatory agenda? \_\_\_\_\_ **Yes**
  
2. Date of notification of:      Anyone on mailing list \_\_\_\_\_ **June 3, 2020**  
   Any trade, industry or  
   professional group \_\_\_\_\_  
   Any trade publications \_\_\_\_\_
  
3. Date Notice of Rulemaking Proposal (MAPA-3) sent to Secretary of State: \_\_\_\_\_ **May 22, 2020**
  
4. Date Fact Sheet sent to Executive Director of Legislative Council: \_\_\_\_\_ **June 3, 2020**
  
5. Date of publication in Secretary of State's rule-making ad.: \_\_\_\_\_ **June 3, 2020**
  
6. Date of hearing(s): \_\_\_\_\_ **August 10, 2020**      7. Comment deadline: **August 20, 2020**

**ADOPTED RULE:**

8. Was comment deadline extended or comment period reopened? \_\_\_\_\_ **Yes**  
If yes, date of second notice publication in Secretary of State's rule-making ad: \_\_\_\_\_ **July 22, 2020**
  
9. Is adopted rule consistent with what was proposed? \_\_\_\_\_ **No**  
(If not, please address the changes in the comments and responses section of your filing.)
  
10. Is the person signing the Certification Statement (MAPA-1, #9) authorized to do so as stated in your statutes or in 5 MRSA, c.71? \_\_\_\_\_ **Yes**
  
11. Was the rule adopted within 120 days of the comment deadline? \_\_\_\_\_ **Yes**
  
12. Was the rule approved and signed by the Office of the Attorney General within 150 days of the comment deadline? \_\_\_\_\_ **Yes**
  
13. Is a Basis Statement included? \_\_\_\_\_ **Yes**      Is a copy of the Fact Sheet included? \_\_\_\_\_ **Yes**  
Are comments, with names and organizations, and your responses included? \_\_\_\_\_ **Yes**

**Notice of Agency Rule-making Adoption**

MAPA 4

**AGENCY:** Department of Health and Human Services, Office for Family Independence

**CHAPTER NUMBER AND TITLE:**  
10-144 C.M.R. Ch. 607 - ASPIRE-TANF Program Manual;  
ASPIRE Rule #25P - Working Cars for Working Families

**ADOPTED RULE NUMBER:**

**CONCISE SUMMARY:**  
The Department was directed to operate a Working Cars for Working Families program, 22 M.R.S. § 3769-F, by the 128th Legislature as part of the 2017-2018 biennial budget. The purpose is to assist participants in obtaining and maintaining sustainable employment by providing them with access to reliable, affordable transportation.

The rule establishes the program, sets out eligibility and ongoing participation criteria, and describes the application and decision processes, including termination of services and appeal rights.

The adopted rule varies from the proposed in that clarity was added that participants must qualify for federally-funded TANF benefits, consistent with the funding requirements in statute.

See <http://www.Maine.gov/dhhs/ofi/rules/index.shtml> for rules and related rulemaking documents.

**EFFECTIVE DATE:**

**AGENCY CONTACT PERSON:**  
Julian Baer, Senior Program Manager – TANF ASPIRE  
Department of Health and Human Services  
Office for Family Independence  
109 Capital St.  
Augusta, ME 04330-6841  
Phone: (207) 624-4105/Fax: (207) 287-3455  
TT Users Call Maine Relay – 711  
[Julian.Baer@Maine.gov](mailto:Julian.Baer@Maine.gov)

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Please approve bottom portion of this form and  
assign appropriate AdvantageME number.

APPROVED FOR PAYMENT \_\_\_\_\_ DATE: \_\_\_\_\_  
*(authorized signature)*

**ASPIRE**

	<b>FUND</b>	<b>AGENCY</b>	<b>ORG</b>	<b>APP</b>
100%	014	10A	4922	01

## **BASIS STATEMENT**

### **DEPARTMENT OF HEALTH & HUMAN SERVICES OFFICE FOR FAMILY INDEPENDENCE ASPIRE-TANF PROGRAM RULES 10-144 CMR, CHAPTER 607**

#### **Rule #25A – Working Cars for Working Families**

This rule change implements the Working Cars for Working Families Program as set forth in 22 M.R.S. §3771-F. This act requires the Department to assist families receiving Temporary Assistance for Needy Families (TANF) or Parents as Scholars (PaS) benefits, or eligible for Alternative Aid, to obtain or retain sustainable employment by providing them with access to reliable, affordable transportation.

#### **Background**

M.R.S. §3769-F was passed as part of the 2017-2018 biennial budget. This act required the department to adopt rules establishing eligibility, participation, and administration requirements. Furthermore, this act directed the Department to use \$6,000,000 in federal TANF block grant funds to administer the program fiscal years 2018-2019 through 2021-2022.

The rule establishes Section 18 of the ASPIRE-TANF Program Rules and makes additions to Section 1 of the same. The rule sets forth definitions of key terms, details the eligibility determination process, sets forth financial and non-financial criteria for initial and continuing eligibility, lays out the time-period for individual participation in the program and periodic review process, and establishes steps to remedy situations where clients cease to be eligible for the program.

The adopted rule varies from the proposed in that clarity was added that participants must qualify for federally-funded TANF benefits, consistent with the funding requirements in statute.

This rule may result in municipalities experiencing increased excise tax revenue. Car dealers and mechanics may see increased revenue due to the sale and upkeep of the vehicles provided through this program.

#### **Statutory Authority**

22 M.R.S. §3769-F

#### **Effective Date**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Summary of and Responses to Public Comments  
and List of Changes Made to Final Rule**

**10-144 C.M.R. Ch. 607 - ASPIRE-TANF Program Manual**

**ASPIRE Rule 25A:**

**Working Cars for Working Families**

The proposed rule was published on June 3, 2020. The Department of Health and Human Services held a public hearing on August 10, 2020, at 1:00 p.m. Written comments were accepted through August 20, 2020.

The following individuals requested a hearing but provided no comment on the rule.

- |                       |                         |                        |
|-----------------------|-------------------------|------------------------|
| 1. Julie Crider       | 15. Donna Mitchell      | 29. Anthony Leonard    |
| 2. Jennifer Chase     | 16. Rebecca Conley      | 30. Richard Cummings   |
| 3. Wendy Warnock      | 17. A. David Mann       | 31. Melissa Guilbeault |
| 4. Mark Chasse        | 18. Thaddeus Clark      | 32. Kelly Schwalbert   |
| 5. Tim Mason          | 19. Marilyn St. Jean    | 33. Sarah Flewelling   |
| 6. Stephanie Mason    | 20. Tammy Genest        | 34. Steven Kiesman     |
| 7. Paulline Jensen    | 21. Wendy Lee MacDowell | 35. Nicolas Hamlim     |
| 8. Pike Lanctot       | 22. Sharon Kimball      | 36. Madison Hayden     |
| 9. Jacob Rush         | 23. Janine MacDonald    | 37. Rodney Barrett     |
| 10. Lois Thew         | 24. Richard Dailey      | 38. Jamison Webster    |
| 11. Christopher Brown | 25. Judith Sawyer       | 39. Judith Fossel      |
| 12. John Rzasas       | 26. Jean Lee            | 40. Kimberly Magowan   |
| 13. Wayne Almy        | 27. Amber Hoy           | 41. Georgeann Quinlan  |
| 14. Anthony Lawler    | 28. Mark Weston         | 42. Stan Hill          |



- |                       |                          |                         |
|-----------------------|--------------------------|-------------------------|
| 43. Richard Bolduc    | 69. Michelle Sterling    | 95. Holly Smith         |
| 44. Cheryl Bolduc     | 70. David Rivard         | 96. Ken Anderson        |
| 45. Tod Torrence      | 71. Lorraine Boucher     | 97. Carolyn Griffith    |
| 46. Rondin Hines      | 72. Michael Lauziere     | 98. William O'Connor    |
| 47. Ashton Cotton     | 73. Michelle Labbe       | 99. Diane Huggard       |
| 48. Heather Worster   | 74. Yazbek John          | 100. Neil Harris        |
| 49. Mary Ellen Bannon | 75. Eleanor Brown        | 101. John Clark         |
| 50. Jean StClair      | 76. Sandra Overlock      | 102. Jeanette Ouellette |
| 51. Alanna Wacome     | 77. Toni Lynn Richardson | 103. Cindy Caldwell     |
| 52. Nancy Whitney     | 78. Cindy Fletcher       | 104. William Brenner    |
| 53. Elmer Wirta       | 79. Daniel Rosen         | 105. Debrs Butler       |
| 54. Jack Maxim        | 80. Roy Wallace          | 106. Kevin Donahue      |
| 55. Jana Wacome       | 81. Gregory Cummings     | 107. Joshua Towne       |
| 56. Shannon Cantara   | 82. Michael Fortin       | 108. Gordon Gamage      |
| 57. Donald Maccallum  | 83. Claudia Fish         | 109. Leigh Hawes        |
| 58. David Baker       | 84. Priscilla Walker     | 110. Ronda Dalton       |
| 59. Elizabeth Baker   | 85. Jacqueline Hall      | 111. Lisa York          |
| 60. Brian Carlton     | 86. Jeannette Dennison   | 112. Jacob Hall         |
| 61. Janine McGrath    | 87. Kelly Barclay        | 113. Michael Lawson     |
| 62. Catherine Fonda   | 88. Dorothea Howard      | 114. Steve Hodnett      |
| 63. Valerie Burns     | 89. Christine Severy     | 115. Vickey Jones       |
| 64. Jennifer Blanche  | 90. Judith Lancaster     | 116. Elaine Hodnett     |
| 65. Michele Marean    | 91. James Zimmerman      | 117. Kellie Teel        |
| 66. Christy Liotte    | 92. Aaron Martel         | 118. Stone McGovern     |
| 67. Wayne Tripp       | 93. Matthew Leggett      | 119. Jill McGovern      |
| 68. Joy Emery         | 94. Colleen DeWitt       | 120. Leanne Hallett     |

- |                        |                                  |                          |
|------------------------|----------------------------------|--------------------------|
| 121. Ralph Gaglione    | 147. Coreene Baumann             | 173. Judith Kypragora    |
| 122. James McCarty     | 148. Angels Hardy                | 174. Rachel Taylor       |
| 123. Katrina Smith     | 149. Donna Kirk                  | 175. Stephanie Hawke     |
| 124. Melissa DeLuca    | 150. William Degraff             | 176. Linda Mailhot       |
| 125. Sharon Romano     | 151. Ann Barnett                 | 177. Gary LeRoy          |
| 126. Nicole Desjardins | 152. William Kolreg              | 178. Susan Pate          |
| 127. Patricia Learned  | 153. Dany Lemay                  | 179. Lauriejean Gombar   |
| 128. Dana Callan       | 154. Michael Jones               | 180. Margaret Tekverk    |
| 129. Deborah Milite    | 155. Mark Hunkler                | 181. Nathan van den Berg |
| 130. Nancy Hamilton    | 156. Philip Mills                | 182. Louis Philippe      |
| 131. Wayne Erkkinen    | 157. Lynn Nagy                   | 183. Chad Hebert         |
| 132. Lawrence Merrill  | 158. Bryan Champagne             | 184. Larry Bailey        |
| 133. Kathryn DeWitt    | 159. Stuart Peeke                | 185. James Read          |
| 134. Lianna Forge      | 160. Chris Emmons                | 186. Deborah Vannah      |
| 135. Renee Trust       | 161. Claire Buck                 | 187. Jillian Philbrick   |
| 136. Jeremy Perry      | 162. Firebird Gunner             | 188. Randy McPherson     |
| 137. Edwin Montalvo    | 163. Dorothy Thornton            | 189. Christopher Day     |
| 138. Larry Shuck       | 164. Jane Gibbs                  | 190. Nikki Barron        |
| 139. John Ehman        | 165. Paul Nichter                | 191. Sharri Olsen        |
| 140. Eric Hanson       | 166. Janet Morrill               | 192. Jeremy Fuller       |
| 141. Destiny Spinney   | 167. Christopher Willey          | 193. Janice Bellaire     |
| 142. Leah Kane         | 168. Phyllis Leck                | 194. Kenneth Capron      |
| 143. Adelle Carter     | 169. Heidi Dockendorff           | 195. Scott Saunders      |
| 144. Barbara Hitchcock | 170. Stephanie Jones             | 196. Kelly Hutchinson    |
| 145. Jen Chapman       | 171. Katharine Martin-<br>Savage | 197. Allan Hartwell      |
| 146. James Brown III   | 172. Betty Libby                 | 198. John Dyer           |


199. Phil Pulsifer	225. Wendy Fardon	251. Tessa Burpee
200. Alan Livingston	226. Kathy Dellarma	252. Thomas Trytek
201. Becky Isabelle	227. Elizabeth Jordan	253. Errolyn Miller
202. Ce Smith	228. Robert Foster	254. Bridgett Keith
203. Gary Linson	229. Immacolata Livecchi	255. Deborah Verrill McFarland
204. Sandra-Anne Cronin	230. Tanya Folsom	256. Marty Cooper
205. Paul Perreault	231. Lawrence Swanson	257. Peggy Aubry
206. Holly Grindal	232. Thaylene Bernard	258. Sheila Nurse
207. Norman Baillargeon	233. Ethan Laplante	259. Kim Larsen
208. Linda Reardon	234. Melissa Watson	260. Stephanie Pare
209. Auring Monette	235. Nicole Blake	261. Rebecca Neal
210. Robert Monette	236. Ethelanne Lavin	262. Deborah Ludwig
211. Megan Thibodeau	237. Pearl Benner	263. Julee Bires
212. Virginia Parker	238. Mark Coulombe	264. Heather Christie
213. Amanda Bragh	239. Mia Cameron	265. Joslin Ford
214. Bruce Marshall	240. David Larrivee	266. Kimberly Sylvester
215. Peter McPhail	241. Cynthia Ladderbush	267. Jennifer Walker
216. Wayne Adams	242. Nick Leone	268. L Daley
217. Dani Bellanget	243. Kristi Violette	269. Bruce Stillings
218. Alisha Louis	244. Lori Denenny	270. Craig Caffrey
219. Denise Turmel	245. Rhonda Ackerson	271. Barbara Fenlason
220. Carol Levesque	246. Brandon Williams	272. Lorene Sabina
221. Bill McGovern	247. Gail Burns	273. Jeffrey Paine
222. Ann Marie Miliard	248. Gregory Clark	274. Scott Seekins
223. Linda Paul	249. Clint Chicoine	275. Joseph Hohn
224. Kaleb Cyr	250. Erica Genthner	276. Nathaniel Thomas

277. Dustin Daigle	303. James McBride	329. Tim Cogswell
278. Dennis Caron	304. Pamela Miner	330. Jeri-Lee Cookson
279. Annique Milite	305. Wyatt Trundy	331. Lorrie Verrill
280. Wendell Douglas	306. Arlene Lenzo	332. Doug Roberts
281. Jeff Goodall	307. Della Roncon	333. Jerimiah Williams
282. Amy Millett	308. Joy Light	334. Jill Cogswell
283. Tim Doherty	309. Raymond West	335. Richard Leclair
284. Robert Grant	310. Adam White	336. Carol Lovejoy
285. Jessica Gardner	311. Betty-Jo Warming	337. Chelsea Lock
286. Robert Terwilliger	312. J Robert Gallant	338. Nancy Raymond
287. Andrea Cesario	313. Kelly Toothaker	339. Mark Vaillancourt
288. Jared Reitze	314. Tammy Smith	340. Pamela Vaillancourt
289. Edward Schupbach	315. Lauren Jellison	341. Robinett Pare
290. Steven Grenier	316. Amanda Kesseli	342. Matt Matherne
291. Nathan Hatch	317. John Burns	343. Kasondra Babb
292. Katherine Stover	318. Dudley Gray	344. Lynn Warman
293. John Luongo	319. Timothy Carven	345. Denise Morrison
294. Shannon Curtis	320. Brad Stables	346. Loretta Dyer
295. Matthew DeRosby	321. Theresa Picard	347. Kenneth Lizotte
296. Erin Raychard	322. Lee Rand	348. Elaine Davidson
297. Nathan Wentworth	323. Lynn Lewis	349. Katherine Bachelder
298. Heidi Luce	324. Pam Wing	350. Cheryl Baggett
299. Alton Sutherland	325. Brety Melville	351. Donna Madison
300. Donna Hodges	326. Sandra Libby Cyr	352. James Waite
301. Tom Danis	327. Robert Sousa	353. Sandra Smalley
302. Stacy Herrick	328. Mark McKissick	354. Paula Sutton

- |                          |                             |                          |
|--------------------------|-----------------------------|--------------------------|
| 355. Kevin Campbell      | 381. William Leonard        | 407. Michael Wells       |
| 356. Brent Littlefield   | 382. Ronald Andersen        | 408. Francis Dillon      |
| 357. Bruce Clark         | 383. Darien Sawyer          | 409. Jeanne Drechsel     |
| 358. Robert Prybylo      | 384. Stephen Pond           | 410. Susan Ayer          |
| 359. Jerene Reney        | 385. Ernest Desmarais       | 411. Deborah Riley       |
| 360. Paula Hutton        | 386. Cynthia Berry          | 412. Cindy Johnson       |
| 361. Jonica Pearson      | 387. Douglas Cahill         | 413. Heidi Warren        |
| 362. Anthony Arseneault  | 388. Charles Spizuoco       | 414. Claire Bouchard     |
| 363. William Timothy     | 389. Scott Gosselin         | 415. Corey Lawler        |
| 364. Bruce Thibodeau     | 390. Chuck Cayford          | 416. Mary Hughes         |
| 365. Tamara Holvey       | 391. Robert Rubenstein      | 417. Thomas Yale         |
| 366. Deborah Delp        | 392. Charles Thomas         | 418. Andre Cushing       |
| 367. Reidun Jones-Elliot | 393. Mark Picurro           | 419. Andrew Fraser       |
| 368. Alan Shaver         | 394. Elizabeth Eddy         | 420. Joseph Correia      |
| 369. Tim Russell         | 395. Carol Sullivan         | 421. Michael Estes       |
| 370. Keith Stillwagon    | 396. Michele Jones          | 422. David Sands         |
| 371. Danny Bragg         | 397. Al Castagna            | 423. Jacqueline Pellerin |
| 372. Sharon Thomas       | 398. James Deyermond        | 424. Matt Digioia        |
| 373. Barbara Bragg       | 399. Bruce Albiston         | 425. John Bridges        |
| 374. Margaret Varney     | 400. Heather Sirocki        | 426. Peter DuPont        |
| 375. Barbara Patterson   | 401. Geraldine Wallace      | 427. Steven Card         |
| 376. Tony Belliveau      | 402. Christine Donovan-Hall | 428. Vanessa Welch       |
| 377. Debbie Bartlett     | 403. Nancy Tozier           | 429. Patricia DuPont     |
| 378. Teri Stred          | 404. Denise Buzzelli        | 430. Angelo Ciocca       |
| 379. Ronald Perreault    | 405. Sara Wing              | 431. Adrienne Fontaine   |
| 380. Jeanie Billings     | 406. Joel West              | 432. Gardiner Schneider  |

- |                         |                      |                       |
|-------------------------|----------------------|-----------------------|
| 433. Michael Carbonneau | 441. Melissa Souda   | 449. Sonya Eldridge   |
| 434. Richard Dawes      | 442. Linda Neal      | 450. Craig Lehigh     |
| 435. Joy Emmons         | 443. Bill Cripe      | 451. Dorothy Wentzell |
| 436. Mark McAllister    | 444. Laurel Harris   | 452. Dan Francey      |
| 437. Mark Emery         | 445. Shirley McLaren | 453. Pamela Ingraham  |
| 438. Janelle Wheldon    | 446. Lowell Smith    | 454. Ada Mathews      |
| 439. Rebecca Emery      | 447. Michelle Hale   | 455. Jay Mitchell     |
| 440. Samuel Hotham      | 448. Frank Thiboutot | 456. Tammy Pinkham    |

The following individuals submitted a written comment. A designation of (r) after the name indicates they also requested a hearing. A designation of (ph) after the name indicates they also gave verbal testimony at the public hearing on August 10, 2020.

- |                                  |   |
|----------------------------------|---|
| 457. Sheri LeRoy, GSL Alarms (r) | 469. Pat Bowman (r) <sup>1</sup>  |
| 458. Nicole                      | 470. Edward Perry   |
| 459. Lovia Koscinski             | 471. Nick   |
| 460. Crystal Pease               | 472. Anonymous 2  |
| 461. John Ryder                  | 473. Thomas McLaughlin  |
| 462. Regina Cote                 | 474. Kim Young  |
| 463. Marisa Bethea               | 475. Ann Page   |
| 464. James Cruwys                | 476.  |
| 465. Colleen Verreault           | 477. Stephen Dahlbergh  |
| 466. Randy Corey                 | 478. Michelle Mason Webber, Maine citizen   |
| 467. Anonymous 1                 | 479. James Mason Shives   |
| 468. Wayne Durgin                |   |

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<sup>1</sup> Provided comment via voicemail, not in writing.

480. Greg
481. Kaitlin Lagueux, Northeast Residential Services
482. [REDACTED]
483. Ryan Wing
484. Rebekah Jardine-Belanger, Hands on Reiki
485. Lee Wang
486. Michelle Tibbetts
487. Michele Smith
488. Judy Cyr
489. Donna Hoitt
490. Reginald Stratton
491. Judith Crosby
492. Cindy Rothweiler
493. Kim M. Mercier
494. [REDACTED]
495. Sarah M. Mulcahy
496. Jon Whited
497. Julie Dumont Rabinowitz, Maine People Before Politics (r) (ph)
498. R. J. Brent Levesque (r)
499. Brian Blake
500. Amanda Henson
501. Capt. Shawn Tibbetts
502. Donna S. Talbot (r)
503. Sen. Stacey Guerin, Maine State Senate
504. Mary Hyland
505. Hilary Ellingwood
506. Catherine DeRocchi
507. Neil Byrd
508. Sen. Marianne Moore, Maine State Senate
509. Bridget Messer
510. Deborah Ibonwa, Maine Equal Justice (ph)
511. Josh Hayward, Hayward Ventures
512. Jennifer Lachance
513. Kenneth Hinkley (r)
514. Cynthia Bonang
515. Anonymous 3
516. Melissa A. Bryant
517. Christine Sprague
518. Mrs. Thomas
519. Renée McKenna
520. Laurianne Brewer
521. Jeremy Porter
522. Anonymous 4
523. Dana Smith
524. Kellie Lapierre (r)
525. Anonymous 5
526. Shane, Citizen of the State of Maine
527. Rachel
528. Robyn McCoach (r)

529. Jane Bishop
530. Melissa Albert
531. Joshua D. Bickford
532. Anonymous 6
533. James D. Libby
534. Tracey Benson
535. Cynthia Swift
536. Anonymous 7
537. Beth Pickens
538. Wayne Paul (r)
539. Andrew Scott
540. Kelly Lehoux
541. Brian Stephen
542. Jonathan Martell
543. Jessica P. Meek
544. Rebecca Cummings (r)
545. Mark Duquette
546. Wendy Hansen (r)
547. Christine Heath
548. Anonymous 8
549. Elizabeth D. Jones
550. Gale Hill
551. John Keizer
552. John Tilton
553. Denise Garnett
554. Anonymous 9
555. Steven Hartley
556. Anonymous 10
557. Anonymous 11
558. Nathan Leach (r)
559. Nancy Clark
560. Anonymous 12
561. Anonymous 13
562. Tina Courtway
563. Janeen Feero, Penquis
564. Shelley McGowan
565. Robert Deschambeault
566. Kelly Cummings
567. Tera Day
568. Chelsea Tripp
569. Anonymous 15
570. Robert Kittredge
571. Kelly Hansen
572. Wanda Hale
573. Anonymous 16
574. Suzanne Craig
575. Jodie Logan
576. Meredith Toumayan
577. Anonymous 17
578. Anonymous 18
579. Ashley Griffin
580. Missy Jordan



581. Hope Ricker

584. Elizabeth Soisson

582. Sharon Nichols

585. Christopher Porter

583. [REDACTED]

586. Sean Trahan

The following individuals only provided verbal testimony at the public hearing on August 10, 2020. The comments and the Department's responses will follow. The full text of the comments and testimony submitted by the individuals and groups below are available upon request.

587. Anonymous 14<sup>2</sup>

588. Representative Patty Hymanson, Joint Standing Committee on Health and Human Services, Maine State Legislature

589. Dale McCormick, Women Unlimited

The comments received are summarized below and listed by Commenter.

### 1. **Commenter 457. Sheri LeRoy, GSL Alarms**

**Comment 1:** Commenter 457 stated, "NO NO NO - this is a horrible plan. I do not want it or condone it. Don't you think if people could afford upkeep, full coverage insurance tires, maintenance etc for a car, they would already have one? I am against this fully."

**Response to Comment 1:** The Department thanks you for your comment. Title 22 M.R.S. § 3769-F requires the Department to adopt rules establishing this program. Within the rule, Section 18(VII)(C)(1) requires that the Department determine that the individual is able to afford vehicle maintenance and insurance. By assisting with the cost of reliable transportation, this program achieves its goal to keep working families employed and help them to transition away from public assistance. There was no change as a result of this comment.

### 2. **Commenter 458. Nicole**

**Comment 2:** Commenter 458 stated, "This is an absolutely unnecessary and deceitful, not to mention disrespectful, thing to do to the hardworking people of Maine. Welfare should not be a permanent long term, or even 2 year option, it should be a hand UP not a hand OUT. Taxpayers like myself and retired veterans like my husband have worked extremely hard to get to where we are today. How can you expect to build a great economy with hardworking people in Maine when you are encouraging folks to live the easy way? We need something called RESILIENCE. You are enabling those who are not willing to step up. This money will unfortunately go to the ones who are OVER privileged by living off the system. Instead, why not use the funds to help them seek training or education? We need more hard workers, not 'get-by-ers' !!!"

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<sup>2</sup> called into the hearing but did not provide testimony.

**Response to Comment 2:** The Department thanks you for your comment. This program is designed to be temporary assistance to working families, intended to remove transportation barriers to employment and allow the participants to remain working. Within the rule, Section 18(V)(B)(1) specifies that to qualify, individuals will need to be working or demonstrate that they would reasonably expect to be working within the next 30 days. The Department currently operates the Food Supplement Education and Training (FSET), Higher Opportunity for Pathways to Employment (HOPE), and Parents as Scholar (PaS) programs specifically designed to assist with training and education necessary for sustainable employment in some areas of Maine’s labor market. The statutes and regulations governing the Additional Support for People in Retraining and Employment (ASPIRE) program require participants to be working or in training or education with the purpose of gaining employment. The Working Cars for Working Families Program, as well as other Department programs explained here, are designed to assist recipients of public assistance with overcoming barriers to employment. There was no change as a result of this comment.

**3. Commenter 459. Lovia Koscinski**

**Comment 3:** Commenter 459 stated, “NO!NO!NO! ... let them get it the way all of us hardworking tax paying people do!! Buy them a bicycle or a bus pass!”

**Response to Comment 3:** The Department thanks you for your comment. Title 22 M.R.S. § 3769-F requires the Department to adopt rules establishing this program. Within the rule, Section 18(III)(A) specifies that services may include coordinating public transportation or shuttle services. The same paragraph also specifies that the most effective and efficient method to achieve the goal of providing long-term transportation solutions will be used. Therefore, if a vehicle is not the most effective and efficient solution for a particular working family, a different solution will be provided. Public transportation, unlike this Program, is not available statewide. There was no change as a result of this comment.

**4. Commenter 460. Crystal Pease**

**Comment 4:** Commenter 460 stated, “Maine has many seniors unable to afford vehicles along with food and meds. The people that need assistance (some of which do work 40+ hours a week) that barely make ends meet. I do not support this.”

**Response to Comment 4:** The Department thanks you for your comment. The Department operates a number of programs to assist seniors and those with disabilities with medications and food insecurity. In addition, if a senior is the caretaker of a minor child, are working, and otherwise meet the eligibility requirements of this program, they may be eligible for this program. There was no change as a result of this comment.

**Comment 5:** Commenter 460 stated, “This program is already broken and understaffed to keep this in check.”

**Response to Comment 5:** The Department thanks you for your comment. There was no change as a result of this comment.

**Comment 6:** Commenter 460 stated, “I for one don't mind helping others but my taxpayer dollars are not funding this. We as Mainers should start filing exempt or 0 on our tax forms and not bother filing taxes if our money is just going to be used to help people that continually abuse the system. No thanks!!”

**Response to Comment 6:** The Department thanks you for your comment. Title 22 M.R.S. § 3769-F requires the Department to adopt rules establishing this program and specifies that it be funded with federal Temporary Assistance for Needy Families (TANF) block grant funds accrued prior to fiscal year 2017-18. This funding limitation is reiterated within the rule at Section 18(III)(C). There was no change as a result of this comment.

**5. Commenter 461. John Ryder**

**Comment 7:** Commenter 461 stated, “I, as a taxpayer of the state of Maine, do not agree with this in any form”

**Response to Comment 7:** The Department thanks you for your comment. Please see the Response to Comment 6.

**6. Commenter 462. Regina Cote**

**Comment 8:** Commenter 462 stated, “As a working family, it's a struggle to pay for, and maintain a vehicle. With high fuel costs, and constant maintenance due to our horrible road conditions. Now add in insurance and registration costs.”

**Response to Comment 8:** The Department thanks you for your comment. Please see the Response to Comment 1.

**Comment 9:** Commenter 462 stated, “Frankly, as a taxpayer in this state, we are over burdened as it is, and I don't want to pay for this. As a state, we CAN'T AFFORD IT!!”

**Response to Comment 9:** The Department thanks you for your comment. Please see the Response to Comment 6.

**7. Commenter 463. Marisa Bethea**

**Comment 10:** Commenter 463 stated, “This rule has too many loopholes. Giving free stuff without earning the right is irresponsible and unintelligent.”

**Response to Comment 10:** The Department thanks you for your comment. For all programs, the Department includes methods and systems that ensure program integrity and accessibility within the confines of State and federal laws and regulations. There was no change as a result of this comment.

**Comment 11:** Commenter 463 stated, “Use of public transportation should be required. Buy them tickets to ride.”

**Response to Comment 11:** Please see the Response to Comment 3. There was no change as a result of this comment.

**8. Commenter 464. James Cruwys**

**Comment 12:** Commenter 464 stated, “I don't support this at all. I save my money and have purchased over a dozen cars myself.”

**Response to Comment 12:** The Department thanks you for your comment. Title 22 M.R.S. § 3769-F requires the Department to adopt rules establishing this program. There was no change as a result of this comment.

**Comment 13:** Commenter 464 stated, “I don't agree with your illegal tracking program either. You are violating our rights. You have no regard for the Constitution. I voted against you and will do it again.”

**Response to Comment 13:** The Department thanks you for your comment. There is no tracking program as part of this rule. There was no change as a result of this comment.

**9. Commenter 465. Colleen Verreault**

**Comment 14:** Commenter 465 asked, “Why is this up for consideration now if it was in effect for budget years 2017-2018?”

**Response to Comment 14:** The Department thanks you for your comment. The Commenter is correct that the law (P.L. 2017, ch. 284) establishing this program was signed into law in July of 2017, and that, subsequently, Title 22 § 3769-F directs the Department to adopt rules to implement the program prior to July 1, 2018. The Department initiated rulemaking in 2017 however, the administrative approval process for rulemaking has extended to the current point. There was no change as a result of this comment.

**Comment 15:** Commenter 465 stated, “Seems that with everything going on with shut downs due to COVID any available funds should be applied towards helping small businesses get back on their feet in order to provide employment opportunities for people.”

**Response to Comment 15:** The Department thanks you for your comment. Title 22 M.R.S. § 3769-F specifies that this program be funded with federal TANF block grant funds accrued prior to fiscal year 2017-18. The parameters on use of this funding is clear in the statute. Title IV, Section 401 of the Social Security Act (the federal statute governing TANF) prescribes the purposes for which TANF funds may be expended. The use of funds in the way the commenter described would not be an allowable use. There was no change as a result of this comment.

**Comment 16:** Commenter 465 asked, “What exactly would cost \$6,000,000 if folks are paying for their own insurance and maintenance?”

**Response to Comment 16:** The Department thanks you for your comment. Title 22 M.R.S. § 3769-F directs the Department to use \$6,000,000 to fund the program. Program expenses will include, at a minimum, vendor staffing to operate the program, the cost of providing transportation and vehicle purchases. There was no change as a result of this comment.

**Comment 17:** Commenter 465 asked, “How will this be monitored and rules enforced?” The Commenter stated, “Their are many ‘commitments’ for participants who will essentially get a car for \$2700 at the end of 2 years if they comply with their commitments.”

**Response to Comment 17:** The Department thanks you for your comment. Monitoring will be done by a combination of Department staff and the contracted agency operating the program. The Office’s Fraud Investigation and Recovery Unit also investigates reports of program violations made by community members. There was no change as a result of this comment.

**Comment 18:** Commenter 465 stated, “I have so many questions.” The Commenter asked, “How do these things come about without tax-payer knowledge?”

**Response to Comment 18:** The Department thanks you for your comment. P.L. 2017, ch. 284, the law establishing this program, was passed by the 128<sup>th</sup> Maine Legislature and signed into law in July of 2017. There was no change as a result of this comment.

#### **10. Commenter 466. Randy Corey**

**Comment 19:** Commenter 466 stated, “I’m contacting you in regards to the decision made by Governor Mills to use approximately 6 million dollars to purchase cars for people on welfare, as reported by the Maine People Before Politics. We have small business's in this state that have closed their doors for good due to the executive orders by Governor Mills. We are at a state where future revenues are in jeopardy because of the Covid-19 pandemic. The budgets of Kennebec County saw large increases in their budget proposals due to the loss and uncertainty of state revenues and the legislative body not being in session to appropriate funds. Therefore placing a greater tax burden on taxpayers in a time of financial uncertainty. This is a financially bad decision to use these funds to purchase vehicles for people. In my lifetime I have never seen such a irresponsible appropriation of taxpayer money. The state is one of the states that have the highest population of older citizens, due to an exodus of young adults leaving this state. The actions such as this is why this state has such a high tax rate and lower wages. I moved back here from another state with my wife in retirement and we are now discussing putting our home up for sale and leaving this state, to reside in a state with lower taxes and a state which spends our tax dollars responsibly.”

**Response to Comment 19:** Please see the Response to Comment 6. There was no change as a result of this comment.

**11. Commenter 467. Anonymous 1**

**Comment 20:** Commenter 467 stated, “This is the most egregious waste of tax dollars I have ever heard of. It is an insult to any hard working Mainer that has had to scrimp and save to afford their own vehicle. Don't spend my taxes on this outrageously ridiculous give away!”

**Response to Comment 20:** The Department thanks you for your comment. Please see the Response to Comment 6.

**Comment 21:** Commenter 467 stated, “The rules are vague and enforcement will be impossible.”

**Response to Comment 21:** The Department thanks you for your comment. Please see the Response to Comment 17.

**12. Commenter 468. Wayne Durgin**

**Comment 22:** Commenter 468 stated, “I've recently learned of the plan of giving cars away. Never heard anything so out landis. If people need help give them help. Not a car that won't be maintained. Please try and get this rethought. Thank you”

**Response to Comment 22:** The Department thanks you for your comment. Please see the Response to Comment 1.

**13. Commenter 469. Pat Bowman**

**Comment 23:** Commenter 469 stated, “I strongly oppose this expenditure, planned in the \$6,000,000 ballpark, at a time when the State of Maine is facing dire economic conditions for some extended period of time. Too many people out of work. Too many businesses still closed down.” The commenter went on to say, “I can't emphasize enough how strongly I oppose this proposal by Governor Mills. If she has difficulty in finding a place to spend \$6,000,000 at this point, I can tell you there are people who haven't received the stimulus bail out money first round at this point and businesses are closing every day or choosing not to re-open. This is not the time to buy cars for people who aren't currently unemployed. They would need to seek assistance from other programs that are currently available. I do not want to see \$6,000,000 going to this ill-prepared program.”

**Response to Comment 23:** The Department thanks you for your comment. Please see the Response to Comment 15. There was no change as a result of this comment.

**Comment 24:** Commenter 469 stated, “There's insufficient oversight to manage this program once vehicles are purchased.”

**Response to Comment 24:** The Department thanks you for your comment. Please see the Response to Comment 17.

**14. Commenter 470. Edward Perry**

**Comment 25:** Commenter 470 stated, “I am against this change.”

**Response to Comment 25:** The Department thanks you for your comment. Please see the Response to Comment 12.

**15. Commenter 471. Nick**

**Comment 26:** Commenter 471 stated, “How about set up families with public transportation. After the individual as a sustainable job they can start putting their own money aside and purchase their own vehicle. I have to pass drug test and support my own home and vehicle needs all on my own. I get zero tax break from the state and I work 40+ hours a week and still break even on my state taxes at the end of the year. If you keep handing people free things they will never have any pride in anything they “own” and will not respect it. Look at all the low income housing the buildings are trashed. I have seen first hand the vehicles that are supplied for the ‘needy’ and they do nothing to maintain them. Zero pride in anything they have and that’s why they don’t have a job because they don’t care what their performance looks like.”

**Response to Comment 26:** The Department thanks you for your comment. Please see the Responses to Comments 1 and 3. There was no change as a result of this comment.

**16. Commenter 472. Anonymous 2**

**Comment 27:** Commenter 472 stated, “After reading the rule, I would suggest that the state of Maine become the lienholder, reasoning being that we know that Maine people sell their EBT cards when the rules state they cannot engage in such behavior. Having the state be the lienholder would prevent people from selling and pocketing the money from said sale. If the state refuses to prosecute people who sell their EBT cards, why would we believe the state would follow through with penalize people who sell their cars.”

**Response to Comment 27:** The Department thanks you for your comment. The Department did consider the ownership of the vehicles being retained by the State, but was advised by counsel that liability associated with State-ownership would be too great. Please see the Response to Comment 17. There was no change as a result of this comment.

**17. Commenter 473. Thomas McLaughlin**

**Comment 28:** Commenter 473 stated, “This has got to be the worst giveaway program I have ever heard of. I know personally welfare people that will not go to work cause they will loose all their free benies. This is a slap in the face for people that do work and buy their own cars. Instead of helping the dead beats help the working people of this state. Stop this absurd program now.”

**Response to Comment 28:** The Department thanks you for your comment. Please see the Response to Comment 12. Within the rule, Section 18(V)(B)(1) specifies that to qualify, individuals will need to be working or demonstrate that they would reasonably expect to be working within the next 30 days were transportation not a barrier to employment. There was no change as a result of this comment.

**18. Commenter 474. Kim Young**

**Comment 29:** Commenter 474 stated, “We the working people need the help that she is. Giving to the. Welfare. They dont need cars when they dont work their paycheck cines in the mail and their food stamp card. Does also.”

**Response to Comment 29:** The Department thanks you for your comment. Please see the Response to Comment 28.

**19. Commenter 475. Ann Page**

**Comment 30:** Commenter 475 stated, “This is a terrible idea. I am completely against it. Frivolous waste of taxpayer's money.”

**Response to Comment 30:** The Department thanks you for your comment. Please see the Response to Comment 6.

**20. Commenter 476.** [REDACTED]

**Comment 31:** Commenter 476 stated, “I cannot afford to purchase a NEW car... I live on my SSI (\$699 after paying for medicare ins) and work two part-time jobs in order to maintain my apartment and 2001 vehicle, utilities, groceries and day to day living expenses. The current vehicle can no longer be inspected and I need to purchase a USED vehicle for around \$6,000 in which I will use life savings of \$2,500 and the remaining \$3,500 on my credit card! So pardon me if I am angry about this program providing NEW vehicles to working families when I, a single person, goes without in order to purchase a USED vehicle... of which I am still looking for! Way to go Maine... that money is coming out of paying tax payers!”

**Response to Comment 31:** The Department thanks you for your comment. New or used cars, or other transportation supports, may be provided by this program if they are the most effective and efficient long-term solution to transportation barriers to employment. Please see the Response to Comment 28. There was no change as a result of this comment.

**21. Commenter 477. Stephen Dahlbergh**

**Comment 32:** Commenter 477 asked, “What's going to keep these families from selling these cars for profit?”

**Response to Comment 32:** The Department thanks you for your comment. Within the Rule, Section 18(VII)(C)(4) specifies that selling the car during program participation would be an intentional program violation, and that the perpetrator would need to



repay an amount equal to the value of the vehicle at the time of the initial transfer of ownership. They would also be ineligible for a number of Departmental benefits, as defined in each program's regulations. There are additional penalties, including jail time, if the violation is prosecuted as welfare fraud (see Title 22 M.R.S. § 3182). Requiring indefinite retention of the vehicle past the duration of program participation may have unintended consequences that are contrary to aspects of the program's mission, which is to provide safe, reliable transportation to employment. There was no change as a result of this comment.

**Comment 33:** Commenter 477 asked, "Are gas cards free too?"

**Response to Comment 33:** The Department thanks you for your comment. Section 18(VII)(C)(1)(a) of this rule specifies that participants eligible to receive a program vehicle must be able to cover all costs of vehicle ownership without Department assistance. There was no change as a result of this comment.

**Comment 34:** Commenter 477 asked, "Is insurance free too?"

**Response to Comment 34:** The Department thanks you for your comment. Please See the Response to Comment 33.

## **22. Commenter 478. Michelle Mason Webber, Maine citizen**

**Comment 35:** Commenter 478 stated, "This program should not be put into place. Although it is CURRENTLY funded with federal money, it will create another program that needs office space & equipment, staffing, fringe benefits, etc. to administer. Once the federal money runs out, the politics in this state will want it to continue and so we will have to budget money from state coffers to keep it going. Since the pandemic has hit state, local and individual budgets hard, now is not the time to launch such a program. Low-income people (and I have been one of them) find ways to get to work if they don't have a working vehicle (friends and family often step in), and we have more public transportation available in this state than we used to. We need to be conservative and fiscally responsible to ALL Maine citizens, businesses and communities."

**Response to Comment 35:** The Department thanks you for your comment. Please see the Response to Comment 6. Any potential future change to the funding source would require legislative action or additional rulemaking and is outside of the scope of this rulemaking. There was no change as a result of this comment.

## **23. Commenter 479. James Mason Shives**

**Comment 36:** Commenter 479 stated, "As John F Kennedy, Democrat, said.... Ask not what your country can do for you, but what you can do for your country. Isn't the bus system in part to help those without vehicles?"

**Response to Comment 36:** The Department thanks you for your comment. Please see the Response to Comment 3. There was no change as a result of this comment.

## **24. Commenter 480. Greg**

**Comment 37:** Commenter 480 asked, “Are these NEW cars?” The commenter stated, “They should be USEDUSED”. The commenter asked, “Value?”

**Response to Comment 37:** The Department thanks you for your comment. This rule does not specify the age or value of the vehicle. New or used cars, or other transportation supports, may be provided so long as they the most effective and efficient long-term solution to the family’s transportation barrier to employment. There was no change as a result of this comment.

**25. Commenter 481. Kaitlin Lagueux, Northeast Residential Services**

**Comment 38:** Commenter 481 asked, “How do we sign up for it?”

**Response to Comment 38:** The Department thanks you for your comment. Once final rules are adopted and a service contract with a statewide vendor is finalized, information on how to sign up will be available at DHHS offices and on the OFI website, <https://www.maine.gov/dhhs/ofi>. There was no change as a result of this comment.

**26. Commenter 482.** [REDACTED]

**Comment 39:** Commenter 482 stated, “Maine had a similar program called ‘Good wheels program’ which was run through community concepts I think! That was the worst program put together by a bunch of folks that were lining their own pockets without actually taking care of the vehicles they sold to people that needed them. We had received one of these vehicles and within the first 72 hours the vehicle had blown a transmission I was in Salisbury mass on my way back to Maine from work in Malden mass. Once they finally towed the piece of junk 12 year old vehicle they sold is for almost 4000 dollars they had the guys to call me and tell me that my vehicle was a mess and that I needed to take better care of it. This vehicle broke down out of state at 11 pm. The last thing I was going to do was clean the vehicle out considering my family was 3 hrs away and had to come get me. Once fixed they returned the vehicle to us and within 90 days the transmission went again. We called them back and they told us we were on our own with it. So I then put my own transmission in the van out of pocket. This is just another crooked Maine state program. The team should investigate Dhhs they're behind this with Janet mills”

**Response to Comment 39:** The Department thanks you for your comment. Please see the Response to Comment 12. The proposed rules were drafted, taking into consideration the Department’s experience with past and current transportation assistance programs, as well as similar programs in other states. There was no change as a result of this comment.

**27. Commenter 483. Ryan Wing**

**Comment 40:** Commenter 483 stated, “This is an awful idea. I have had to scramble get second jobs to buy cars and continue to make payments. Handing a car to some one is going to do nothing, they will put gas in it when they feel like it use it lets their friends

use it destroy it and they when time comes the cars will be repossessed and we will just have a flood of junk cars that the cash for clunkers program managed to get off the road and cleared out. Talk about rolling back the dice.”

**Response to Comment 40:** The Department thanks you for your comment. The conditions related to the use and maintenance of a program vehicle are detailed in Section 18(VII)(A)(4). The Commenter is correct that if the participant violates these conditions, pursuant to Section 18 (VII)(A)(4)(o), they will need to return the vehicle. Furthermore, per Section 18 (VII)(A)(2), they may be charged with an Intentional Program Violation, which would preclude them from any number of benefits, and may be assigned an overpayment up to the value of the vehicle. There was no change as a result of this comment.

**Comment 41:** Commenter 483 stated, “WOW Stop handing out stuff get people back to work and off the government it is supposed to be a lifeline not a lifestyle. CARS for Couch potatoes! There are jobs everywhere in my town that are easily walking distance, we are already clothing these people, I think they can pick out a better pair of shoes and get to a job somewhere. I had to!”

**Response to Comment 41:** The Department thanks you for your comment. Please see the Response to Comment 28. If an individual is in an area where another means of transportation is more effective and efficient (Section 18(III)(A)) or if they have consistent access to any form of reliable transportation that does not limit their employment (Section 18(V)(B)(2)), they would not be eligible for a vehicle through this program. There was no change as a result of this comment.

## **28. Commenter 484. Rebekah Jardine-Belanger, Hands on Reiki**

**Comment 42:** Commenter 484 stated, “I want a running car. Why am I struggling to keep my car in working condition so that I can go to work to support myself and disabled husband.

We do not receive any state or government assistance and our lot fees have gone up every year.

Why don't you support those people who work? Giving assistance to those who help themselves would be in the best interest of our state.

This is a bad idea. Help Mainers who work but don't quite make ends meet. Have you even seen the prices of food, meats and fruits/veggies? ...

The lower-middle class Mainers are struggling and dying a slow death and you want to give cars out to work?? We are working...we don't get any cars. ... Look after all Mainers.”

**Response to Comment 42:** The Department thanks you for your comment. Please see the Response to Comment 4.

**Comment 43:** Commenter 484 stated, “You not only gave an extra 600.00 to unemployed workers but also increased it for those who were previously on unemployment AND to prisoners. Sinful.”

**Response to Comment 43:** The Department thanks you for your comment. This comment is outside the scope of the rulemaking. There was no change as a result of this comment.

**Comment 44:** Commenter 484 asked, “Are you paying for their registrations and insurance too?”

**Response to Comment 44:** The Department thanks you for your comment. Please see the Response to Comment 33.

### **29. Commenter 485. Lee Wang**

**Comment 45:** Commenter 485 stated, “This cars need to be of very specific color. So if I see one I can scream - Hey look everybody is a free ride. You people are pathetic!”

**Response to Comment 45:** The Department thanks you for your comment. There was no change as a result of this comment.

### **30. Commenter 486. Michelle Tibbetts**

**Comment 46:** Commenter 486 stated, “This is insane! Although the funds are federal not state, it is still our tax dollars paying for this.”

**Response to Comment 46:** The Department thanks you for your comment. Please see the Response to Comment 6.

**Comment 47:** Commenter 486 stated, “Why are the hardworking, just above the welfare limit people punished for working? We should encourage people to support themselves rather than rely on others to assist them with everything. We as a state are way too generous for too long a period of time. Where is the incentive for them to get off welfare and support themselves. Give a man a fish, he’ll eat for a day. Teach him to fish, he’ll eat his whole life. Not in favor of this!!”

**Response to Comment 47:** The Department thanks you for your comment. Please see the Responses to Comments 6 and 28. There was no change as a result of this comment.

### **31. Commenter 487. Michele Smith**

**Comment 48:** Commenter 487 stated, “On the end of all that has been lost due to the covid response by the state of Maine, and giving that we still actually live in the United States of America, taking monies that belong to the 'people' and passing it on as free cars to others is not a good idea. I completely disagree with this 'rule', and since it is taking from monies that 'we the people' pay to run the state, I believe our votes against it should count. I do not want this rule to pass.”

**Response to Comment 48:** The Department thanks you for your comment. Please see the Response to Comment 6. Section 18 (VII) specifies criteria for vehicle delivery which includes monthly premium payments. There was no change as a result of this comment.

**32. Commenter 488. Judy Cyr**

**Comment 49:** Commenter 488 stated, "I'm sorry, NO! If you can afford the latest cell phone and outrageous bill, you can afford a car. Priorities people!"

**Response to Comment 49:** The Department thanks you for your comment. Please see the Response to Comment 12.

**33. Commenter 489. Donna Hoitt**

**Comment 50:** Commenter 489 stated, "This is ridiculous! There are a lot of people who work and can barely maintain their own cars."

**Response to Comment 50:** The Department thanks you for your comment. Please see the Responses to Comments 1 and 28. There was no change as a result of this comment.

**Comment 51:** Commenter 489 stated, "Federal funds are still my tax dollars."

**Response to Comment 51:** The Department thanks you for your comment. Please see the Response to Comment 6.

**Comment 52:** Commenter 489 stated, "Expand public transportation. Giving people handouts will never teach them the value of something they've actually had to work and sacrifice for."

**Response to Comment 52:** The Department thanks you for your comment. Please see the Response to Comment 3. There was no change as a result of this comment.

**34. Commenter 490. Reginald Stratton**

**Comment 53:** Commenter 490 stated, "This bill does not have my approval as a law abiding tax payer. If people are enabled by bills such as this they will never break free from government hand outs. Get your own job, buy your own car that is the American way. Quit wasting our monies on people who can stand on their own two feet."

**Response to Comment 53:** The Department thanks you for your comment. This rulemaking is directed by a former bill (LD 390). Please see the Responses to Comments 12 and 28. There was no change as a result of this comment.

**35. Commenter 491. Judith Crosby**

Commenter 491 stated, "The Maine Department of Health and Human Services is proposing to implement a program called "Working Cars for Working Families," and it comes with a \$6 million price tag. There are reportedly a lot of terms and conditions in the 12 page proposal. I

understand Working Cars for Working Families was passed by the Maine legislature in 2017 and signed by Governor LePage, who chose not to implement it. Additionally, the Mills administration is following state law by proposing rules to launch the program, which is set to expire in 2022. If funding runs out before then, the rules lay out a few options, like taking no new applications, as well as reducing or terminating the program.

The Working Cars for Working Families program which Governor Janet Mills is ready to implement, supposedly requires "no state general fund dollars." I have a few questions:

**Comment 54:** Commenter 491 asked, "Is the program funded entirely by federal dollars or does some of the money come from a Maine fund other than the 'general fund?'" The commenter states, "There are more costs to implementing the program other than purchasing vehicles and/or paying for public transportation."

**Response to Comment 54:** The Department thanks you for your comment. Please see the Response to Comment 6. It does not expend State revenue. The Department is contracting with an agency to administer this program. All expenses under that contract will be covered with the \$6,000,000 in federal TANF block grant funds allocated by law to this program. There was no change as a result of this comment.

**Comment 55:** Commenter 491 asked, "Is the money to purchase the cars paid for entirely with federal funds?"

**Response to Comment 55:** The Department thanks you for your comment. Please see the Response to Comment 54.

**Comment 56:** Commenter 491 asked, "Specifically, what are the state laws the Governor is following by proposing rules to launch the program?"

**Response to Comment 56:** The Department thanks you for your comment. Please See the Response to Comment 12. Additional laws related to rulemaking procedure can be found at 5 M.R.S. §§ 8052 and 8053. There was no change as a result of this comment.

**Comment 57:** Commenter 491 asked, "Where can Maine residents read this 12 page proposal, complete with rules, which are related to the program DHHS and Governor Mills are proposing to launch?"

**Response to Comment 57:** The Department thanks you for your comment. The law (P.L. 2017, c. 284) establishing this program was passed by the 128<sup>th</sup> Maine legislature and signed into law in July of 2017. Subsequently, Title 22 § 3769-F directed the Department to adopt rules to implement the program. The full text of the rule is available online at <https://www.maine.gov/dhhs/ofi/about-us/rules/proposed#anchor2632483>. There was no change as a result of this comment.

**Comment 58:** Commenter 491 asked, "If the funding runs out before 2022 what are ALL the rules and options?"

**Response to Comment 58:** The Department thanks you for your comment. All proposed details on reduced funding for this program can be found in Section 18(C) of the rule. There was no change as a result of this comment.

**Comment 59:** Commenter 491 asked, “Given the situation with reduced work force due to the pandemic, realistically, how closely monitored can the Working Cars for Working Families program be?”

**Response to Comment 59:** The Department thanks you for your comment. Please see the Response to Comment 17.

**Comment 60:** Commenter 491 asked, “Who will monitor the program?” The commenter stated, “Sadly, DHHS sees to have their hands full with more pressing matters such as child welfare and safety, to name just a few.”

**Response to Comment 60:** The Department thanks you for your comment. Please See the Response to Comment 17.

**Comment 61:** Commenter 491 stated, “It appears this program will be slipped through when our Legislature is not in session. I find deplorable the fact there is no scheduled public hearing and would expect Maine people have a right to weigh in on this issue. \$6 million is a lot of money!”

**Response to Comment 61:** The Department thanks you for your comment. The Legislature passed LD 390 in 2017, which became P.L. 2017, c. 284, establishing this program. The law directs the Department to promulgate this rule, and the Legislature typically has limited involvement in the rule making process. After receiving a request from over 450 individuals for a hearing on this rule, the Department held a hearing on August 10, 2020. There was no change as a result of this comment.

### **36. Commenter 492. Cindy Rothweiler**

**Comment 62:** Commenter 492 stated, “As a taxpayer, this seems like a really bad idea. How about something that makes more sense and instills a sense of responsibility? Provide loaner cars or Uber vouchers until employment is obtained, and once income is verified, low or no interest loans to actually purchase cars. These “freebie” programs are breaking the backs of the property tax paying citizens. As my mother used to say, “things aren’t appreciated that are given, not earned”. Also wouldn’t this be incentive to stay employed? Like we all have to?”

**Response to Comment 62:** The Department thanks you for your comment. Please see the Responses to Comments 3, 6, 12, and 48. Section 18(VII)(A)(1) specifies that suitability of services needs to be revaluated every six months or any time there is a change in employment or transportation circumstances. This program is designed to be an incentive to stay employed. There was no change as a result of this comment.

### **37. Commenter 493. Kim M. Mercier**

**Comment 63:** Commenter 493 stated, “It is not the job of the government to be provided cars to welfare recipients so they can get to work. By giving a car with no strings attached, that person has no dog in the fight. They can even sell it without retribution! That’s insane. This program will be busy within a year and you’ll be selling the cars for scrap. NO!”

**Response to Comment 63:** The Department thanks you for your comment. Please see the Responses to Comments 6 and 32. There was no change as a result of this comment.

**38. Commenter 494.** [REDACTED]

**Comment 64:** Commenter 494 stated, “I am very interested & in need of this Working Cars for Working Families program.” The Commenter asked, “Do I have to be part of ASPIRE and/or have a child(ren) to qualify?”

**Response to Comment 64:** The Department thanks you for your comment. 22 M.R.S. § 3769-F, specifies that the program be available not only for families who are part of ASPIRE, but also those who are financially eligible for Alternative Aid. Participation in ASPIRE is not required to be eligible for this program. However, eligibility for these programs is limited to families with children. There was no change as a result of this comment.

**39. Commenter 495. Sarah M. Mulcahy**

**Comment 65:** Commenter 495 stated, “I do not support this proposed program. I myself worked without a car for two years, walking, biking, or having a family member drive me to work while I saved up to buy a car of my own, which I eventually did. I was careful with my spending and earned good credit so I could take out a loan on a new car when I was ready. People do NOT need to government to help them get a car; they need to be personally responsible and sensible with their budget. We do not need the state to spend MORE money on programs that are not needed. A program isn't needed; personal responsibility and financial smartness is needed.”

**Response to Comment 65:** The Department thanks you for your comment. Please see the Response to Comment 12.

**40. Commenter 496. Jon Whited**

**Comment 66:** Commenter 496 stated, “This need to be voted on. This is waist of tax payers money. Please stop the governor.”

**Response to Comment 66:** The Department thanks you for your comment. The 128<sup>th</sup> Legislature voted to pass the law establishing this program and it was signed it into law in July of 2017. There was no change as a result of this comment.

**41. Commenter 497. Julie Dumont Rabinowitz, Maine People Before Politics**



**Comment 67:** Commenter 497 stated, “When this program was first proposed in the Legislature and passed in the state budget in 2017, Maine’s economy was not only roaring, the state was facing a workforce shortage. Today, the state is confronting a global pandemic—the managing of which falls to DHHS as the lead agency, and record unemployment. As a result of measures ordered to slow the spread of the Coronavirus, a record-breaking recession is predicted to hit Maine worse than any state except perhaps Nevada.

The ramifications for the state’s budget have not yet been fully assessed, but the Mills Administration’s own initial estimates, not only presented to the Appropriations and Financial Affairs Committee but also submitted to the state’s Congressional delegation, are that the state will experience a \$3 Billion budget gap created by both new COVID-related expenses and budget shortfalls due to sharp declines in sales, income, corporate, and gas tax revenues.

Whereas the state in 2017 may have had a compelling interest in getting people to work, today, the state’s compelling interest should be to preserve resources that may be needed by Maine’s families devastated by the recent economic fallout and the closure, either temporarily or permanently, of hundreds of Maine businesses.”

**Response to Comment 67:** The Department thanks you for your comment. The Commenter is correct that the law (P.L. 2017, c. 284) establishing this program was codified in July of 2017. Subsequently, Title 22 § 3769-F directs the Department to administer the program through June 30, 2022. The Department is engaged in rulemaking in an effort to comply with the law. Any action to change the statutory directive to implement the program would need to be taken by the Legislature and is outside of the scope of this rulemaking. There was no change as a result of this comment.

**Comment 68:** Commenter 497 stated, “This program, as drafted, incentivizes people to stay on welfare. Under these rules, a person could end up owning a car worth \$10,000 (or even \$30,000 or greater value) for a total of \$2,700 after two years. Say, for example, that an employer offers that participant a \$4,000 or \$5,000 raise and promotion (that would make the person program-ineligible) after that participant has been in the car program a year, and still owes \$1,200 on the vehicle. As drafted, this program increases the likelihood that the participant would turn down the promotion or encourage their employer to not even offer it, preferring to stay on welfare in order to keep the car, the low car payments and to achieve full ownership of the vehicle in a year. The rules don’t provide for a buy-out or alternative payment plan in this situation, and without the car the person may not be able to get to work.

Increased earnings have a net-positive effect on workers’ long-term Social Security benefits. The proposed Working Cars for Working Families program incentivizes people to stay on welfare and avoid opportunities that would be better for themselves and their family in the long term.”

**Response to Comment 68:** The Department thanks you for your comment. The rules as proposed allow retention of the vehicle after 27 payments. The rules do not require

that those payments extend for a specific minimum period of time. Providing the vehicle is a one-time support. Continued collection of premiums may continue beyond the program participation period and would be considered a job retention support. There was no change as a result of this comment.

**Comment 69:** Commenter 497 stated, “[A]lthough the governing statute and the rules authorize the department to use the allocation to include other transportation options, ‘Such options may include, without limitation—furnishing purchased or donated vehicles to participants; coordinating public or private transportation; facilitating car shares among participants; ride or shuttle service; or providing driver instruction or education,’ the rules as drafted fail to address how alternatives to vehicle ownership would be implemented.”

**Response to Comment 69:** The Department thanks you for your comment. Implementation of the provision of supports will be detailed in the contract with the agency providing those supports and is outside of the scope of these rules. There was no change as a result of this comment.

**Comment 70:** Commenter 497 stated, “The statute specifically states that the program will provide: ‘access to reliable, affordable transportation,’ but the rules as written do not address either factor. The rules as proposed are mostly about participant eligibility, not how DHHS or its contractor will assure that the cars are working and that the cars provided to the participating individual are affordable to maintain.”

**Response to Comment 70:** The Department thanks you for your comment. The commenter is correct that these rules stipulate applicant and participant rights and responsibilities. The details related to the types of vehicles or other supports provided will be directed by the Department through the contract with the program service and are outside of the scope of this rulemaking. There was no change as a result of this comment.

**Comment 71:** Commenter 497 stated, “The statute also specifically requires the rules address ‘administration requirements,’ and the rules are exceptionally vague on those points.” The commenter provided specific concerns which, for clarity of matching comments to responses have been separated out into the following comments:

**Response to Comment 71:** The Department thanks you for your comment. The commenter correctly identified that the law, the rules, the provider contract, and individual Program Agreements each provide an increased level of detail and specificity. Within the rule, Section 18(III) provides a level of specificity that is appropriate and compliant with the law. Further detail is the purview of the aforementioned provider contract and individual Program Agreements and as such, is outside of the scope of this rulemaking. There was no change as a result of this comment.

**Comment 72:** Commenter 497 expressed concern related to, “No limits or specifications for the types of vehicles that can be used.”

**Response to Comment 72:** The Department thanks you for your comment. Within the rule, Section 18(III)(A) specifies that supports (vehicles or otherwise) will be the most effective and efficient long-term solution to transportation barriers to employment. A multitude of options are required to meet the program goals and provide appropriate vehicles as well as other transportation resources based on individual family needs. Further specificity is the purview of the provider contract and is outside the scope of this rulemaking. There was no change as a result of this comment.

**Comment 73:** Commenter 497 expressed concern related to, “No limits on the value of the vehicles obtained for the program or whether they are new or used.”

**Response to Comment 73:** The Department thanks you for your comment. Please see the Response to Comment 72.

**Comment 74:** Commenter 497 stated, “Although the rules allow for donations, there are no guidelines in the rules providing a framework for accepting and evaluating donations prior to transferring to the participant, what do with donations that don’t meet the standard of ‘reliable’ or ‘affordable,’ or high-value donated vehicles.”

**Response to Comment 74:** The Department thanks you for your comment. All of these matters are the purview of the provider contract and are outside the scope of this rulemaking. There was no change as a result of this comment.

**Comment 75:** Commenter 497 expressed concern related to, “No established ratio of donations versus purchased vehicles that would be used (e.g., a goal or limit to have 60% donated vehicles and only 40% purchased).”

**Response to Comment 75:** The Department thanks you for your comment. The commenter correctly identifies that the Department did not articulate a goal for the percentage of vehicles that would be acquired through donation. To do so may unnecessarily limit the options available to remediate the transportation barriers of program participants. The Department has received stakeholder feedback from subject matter experts who share that donated vehicles are not a readily available, practical option in a Maine transportation program. This suggested program restriction could result in the Department failing to meet the legal requirements in 22 M.R.S. § 3769-F to provide participants with access to reliable, affordable transportation to assist them in obtaining or retaining sustainable employment. There was no change as a result of this comment.

**Comment 76:** Commenter 497 expressed concern related to, “No rules regarding solicitation of donations or limits on the money that can be spent to solicit donations (e.g., advertising on TV or radio for donations).”

**Response to Comment 76:** The Department thanks you for your comment. Please see the Response to Comment 74.

**Comment 77:** Commenter 497 expressed concern related to, “No threshold of the percentages of the \$6 million that can be used for purchasing vehicles, pay for vehicle repairs prior to transfer to the participant, or the staffing and management of the program and other overhead costs.”

**Response to Comment 77:** The Department thanks you for your comment. Please see the Response to Comment 74. Furthermore, the rule requires the most efficient and effective mode of assistance be provided. Prior to program implementation the Department is unable to determine what portion of the funds will be expended for vehicles, and what portion for alternative means of transportation based on need. Placing percentage thresholds on the funds in the rule would be overly prescriptive and jeopardize the Department’s ability to meet the legal requirements in 22 M.R.S. § 3769-F to provide participants with access to reliable, affordable transportation to assist them in obtaining or retaining sustainable employment.

**Comment 78:** Commenter 497 expressed concern related to, “No standards or procedures as to how purchased cars will be procured or assessed for reliability if used, either prior to the purchase or prior to transferring to the participant.”

**Response to Comment 78:** The Department thanks you for your comment. Please see the Response to Comment 74.

**Comment 79:** Commenter 497 expressed concern related to, “No set-aside or rules governing the limit on the cost of repairs that would need to be done before turning over a vehicle to a participant (e.g., a limit on repairs could be 30% of the value of the car at the time of donation).”

**Response to Comment 79:** The Department thanks you for your comment. Please see the Responses to Comments 74 and 77.

**Comment 80:** Commenter 497 expressed concern related to, “No ‘lemon law’ provision if the vehicle provided a participant turns out to have excessive repair issues.”

**Response to Comment 80:** The Department thanks you for your comment. No part of this rule nullifies any existing state or federal law. There was no change as a result of this comment.

**Comment 81:** Commenter 497 expressed concern related to, “No exclusions of donated high-end or luxury vehicles for which average or routine repairs would be cost-prohibitive for an ASPIRE participant.”

**Response to Comment 81:** The Department thanks you for your comment. Please see the Response to Comment 72.

**Comment 82:** Commenter 497 expressed concern related to, “No requirement that donated cars of a certain high value be sold and the proceeds used to buy two (or more) vehicles to meet the needs of more participants.”

**Response to Comment 82:** The Department thanks you for your comment. Please see the Response to Comment 72.

**Comment 83:** Commenter 497 expressed concern related to, “Lack of oversight regarding car accidents in situations where the participant is at fault or not at fault and how such accidents will affect eligibility. For example, if the car is totaled but the driver-participant is found not to be at fault, do they remain eligible for another car? If so, do they start their payments back at the beginning with a new down payment, or pick up payments where they left off?”

**Response to Comment 83:** The Department thanks you for your comment. Section 18(VII)(A)(4) specifies the conditions that must be met prior to gaining access to a vehicle (including the down payment and monthly payments detailed in Section 18(VII)(C)). These conditions would need to be met prior to access to each vehicle. As far as eligibility and suitability for supports, those would need to be redetermined per Section 18(IV)-(VI). In the circumstance the commenter describes, since the participant would have had title to the vehicle, they would receive the insurance settlement, which would assist them with the purchase of their own replacement vehicle. There was no change as a result of this comment.

**Comment 84:** Commenter 497 expressed concern related to, “Lack of clarity around a participant becoming ineligible while in possession of the car and how the program would repossess the car and the title. For example, in a case where the participant is cited for a moving violation that would make them ineligible, the rules do not indicate the procedures for returning the vehicle to the agency, the time frame, and whether the individual can continue to drive the vehicle while it is still in their possession.”

**Response to Comment 84:** The Department thanks you for your comment. Section 18(VIII)(A)(2) specifies that a participant would be terminated from the program if they fail to comply with their Agreement. At that point, if their support was the provision of a vehicle, they would need to return the vehicle. Section 18(C)(4) specifies if they fail to return the vehicle, the Department shall pursue an intentional program violation with an overpayment in the amount of the value of the vehicle at the time it was transferred to the individual. Further details around the timeframes and processes are the purview of the provider contract and individual Program Agreement and are outside of the scope of this rulemaking. There was no change as a result of this comment.

**Comment 85:** Commenter 497 expressed concern related to, “Lack of clarity around the justification for the title transfer and lack of liens. The use of liens would better ensure accountability and be more likely to prevent unauthorized transfer or sale of the vehicle.”

**Response to Comment 85:** The Department thanks you for your comment. The rule itself lays out the program, and supports, eligibility requirements and participant rights and responsibilities. The related rulemaking documents detail the legal authority for the rule making. If the Commenter is suggesting that the Department

retain ownership of vehicles, please see response to Comment 27. There was no change as a result of this comment.

**Comment 86:** Commenter 497 expressed concern related to, “No specification that if an electric vehicle is donated or purchased, whether the program is authorized to pay for a charging station to be installed at the individuals’ home or workplace, and any restrictions on the use of that charging station by others. If the individual moves, is a second charging station authorized? If the individual rents and moves away from the lodging where a charging station was installed, is the landlord required to reimburse the program for the value of the charging station?”

**Response to Comment 86:** The Department thanks you for your comment. Please see the Response to Comment 72.

**Comment 87:** Commenter 497 expressed concern related to, “No restriction on how long the participant must keep the car after “graduating” from the program and subsequent program participation. For example, is the participant required to keep the car, and keep it in working condition, as long as the person continues to participate in TANF/ASPIRE, or can the participant sell the car immediately after graduation? If the participant sells the car after graduating, are they eligible to participate a second time in the program?”

**Response to Comment 87:** The Department thanks you for your comment. Please see the Response to Comment 32. There was no change as a result of this comment.

**Comment 88:** Commenter 497 expressed concern related to, “No indication of whether there are federal or state income tax implications for the participant if, upon graduation, they now own the vehicle with a value exceeding what they paid for the vehicle.”

**Response to Comment 88:** The Department thanks you for your comment. Federal or state income tax laws and regulations are outside of the scope of this rulemaking. All existing tax laws and regulations would apply to program vehicles. There was no change as a result of this comment.

**Comment 89:** Commenter 497 stated, “The rules lack clarity around how DHHS or its contracting organization will monitor the compliance and identify violations of the program’s requirements. For example, a commitment to use the “vehicle primarily for purposes of commuting to and from work” seems unenforceable without further definition of “primarily” and a delineation of acceptable secondary uses. For example, trips to the grocery store may be permissible. Examples of non-allowable uses could include such uses as trips to casinos or out-of-state vacations.”

**Response to Comment 89:** The Department thanks you for your comment. Please see the Response to Comment 17. Enforcement of ASPIRE policies are detailed in Section 4 of the governing regulations (10-144 Chapter 607). Improper uses are defined at Section 18(VII)(A)(4) and include use by other members of the household,

income-producing transportation services, violations of traffic or parking laws, operating under the influence, operating the vehicle in unsafe conditions or in need of repair, and using the vehicle for illegal activities. The Department accepts the definition of “primarily” as “for the most part or chiefly” (Merriam-Webster, 2020). There was no change as a result of this comment.

**Comment 90:** Commenter 497 stated, “Under the Section “VII. PARTICIPATION AND CONTINUED ELIGIBILITY REQUIREMENTS,” the proposed rules lack monitoring requirements and standards for the commitments the participant is required to make to the department in order to remain eligible. For example, A(4)h. requires “A commitment to report any accidents, thefts, or similar types of incidents involving the vehicle to law enforcement immediately.” The department fails to define “immediately.” The department also, and significantly, fails to require that the incident be reported to the department and fails to specify a deadline for when that report must be made.”

**Response to Comment 90:** The Department thanks you for your comment. The reporting requirement cited in Section 18(VII)(A)(4)(h) is relevant to the safe and legal operation of the vehicle. Section 18(VII)(A)(4)(k) requires the participant not to operate the vehicle when in need of repair, to report the need to the Department and cooperate with the Department in arranging for the necessary repairs. Short of the vehicle needing repair, there is no need for the Department to be informed of the incident. As this program is designed for participants that are seeking or have employment and need transportation, it is in the participant’s best interest to notify the Department immediately to resolve any reason the vehicle could not be used. The details regarding the process and deadlines for reporting come under the purview of the contract and are outside the scope of this rulemaking. There was no change as a result of this comment.

**Comment 91:** Commenter 497 stated, “In A(4)o. ‘A commitment to immediately return the vehicle to the Department upon demand, for failure to comply with the terms of the Agreement or the rules of the Program, including transferring title to the Department where applicable,’ the department fails to delineate the steps it will take to repossess a vehicle and/or a title when a participant is in noncompliance and fails to return the vehicle on demand. It appears that the department’s only recourse is VII. C (4), where the department is authorized to pursue an Intentional Program Violation for the value of the vehicle.”

**Response to Comment 91:** The Department thanks you for your comment. Please see the Response to Comment 84.

**Comment 92:** Commenter 497 stated, “The rules also are inadequate in pursuing significant violations of the program, namely the sale of the vehicle without written authorization from DHHS. Under Maine law, a prosecution for welfare fraud is not the equivalent of a prosecution for car theft. Welfare fraud prosecution falls under a different statute with a specified punishment.” The commenter cited and quoted 17-A M.C.C. Part 2 Ch. 37 § 905-C, and Ch. 15 § 353. The Commenter stated “As one can see, the punishments under the statutes governing car theft are vastly different, with the theft being a felony

conviction. Car theft's punishment would depend on the value of the auto, and could be either a Class C or B crime: both felonies (Class C: Crimes punishable by up to 5 years incarceration and a \$5,000 fine. Class B: Crimes punishable by up to ten years incarceration and a \$20,000 fine). Whereas welfare fraud is a misdemeanor Class D crime (Class D: Crimes punishable by up to 364 days incarceration and a \$2,000 fine) and is prosecuted under a different section of the criminal code. Because the rules as drafted put no limits on the value of the vehicles provided to participants, it could easily be that an unauthorized sale would be the equivalent of a Class B crime, with a vehicle value of at least \$10,000 at the time of transfer to the participant. Therefore, in the case of the Working Cars for Working Families program as proposed, prosecution for car theft would not only more closely reflect the loss of state's (and taxpayers') investment in the vehicle, it would be a much greater deterrent of a participant transferring the car without written authorization than prosecution for welfare fraud."

**Response to Comment 92:** The Department thanks you for your comment. The Department is responsible for administration of this program and has the ability to pursue intentional program violations and welfare fraud. The Department does not have the ability or authority to prosecute car theft. There was no change as a result of this comment.

**Comment 93:** Commenter 497 stated, "Right now, Maine's situation in the pandemic is fluid and evolving.

If the Mills Administration believes that this program has value for rural Maine residents, at minimum it needs to add significant administrative oversight requirements for reliability and affordability, program administration rules, target metrics by which success will be measured, additional rules to clarify the routine events of car ownership such as accidents and moving violations, and the ability to prosecute for theft by unauthorized taking or transfer for individuals who sell or transfer the car without DHHS's authorization."

**Response to Comment 93:** The Department thanks you for your comment

Please see the Responses to Comments 71, 72 and 92. Target metrics for success for all involved are articulated in Section 18(II) "obtaining and maintaining sustainable employment." Further target metrics for success as they apply to the Department fall under 22 M.R.S. § 3109 and are set and monitored by the Commissioner and Legislature. Further target metrics for success as they apply to the provider will be detailed in the provider contract. Target metrics for success for participants will be detailed in their Program Agreement. All of these details are outside the scope of this rulemaking. The extent to which the routine events of car ownership impact program eligibility are detailed in Section 18(VII)(A)(4). There was no change as a result of this comment.

**Comment 94:** Commenter 497 stated, "I would say that there is definitely a lack of clarity around the title transfer. In the draft rules it is not specific that the title would be transferred upon graduation of the program. It says receipt of the car and that is similar language or receipt of the vehicle in the RFP, and, so, if, the intent of the Department is



to transfer title after all the premium payments have been completed, then, that would, definitely, need to be clarified, because, it could certainly be challenged under the way the draft rules are, currently written.”

**Response to Comment 94:** The Department thanks you for your comment. It is the intent of the Department to transfer title within 30 days of vehicle distribution to the extent reasonably practicable (See Section 18(VII)(C)(1)). The Department’s Request for Proposal (RFP) for program operation, further clarifies that in instances where it is not reasonably practicable to make the transfer within 30 days, it must be done within 90. There was no change as a result of this comment.

**Comment 95:** Commenter 497 stated, “[R]ight now, the draft rules and the statute, note that the section ... the statute that authorizes this program’s operation, repealed on July 1, 2022, and that is in conflict with the RFP which has a contract end date, of September 30, 2022. And my concern is that, this the way the contract is worded, this contract would, actually, exceed the authority of this statute to operate the program.”

**Response to Comment 95:** The Department thanks you for your comment. 22 M.R.S. § 3769-F does not authorize, but rather requires, the Department to operate this program. Specifically, it requires the Department to use \$6,000,000 in previously-accrued federal TANF block grant funds between July 1, 2018 and June 30, 2022 to fund the program. There is no restriction on the Department preventing operation of such a program before or after those dates. Specific services and resources provided through this program fall within the broad authority to administer TANF and ASPIRE: 22 M.R.S. §§ 3762(3)(A), and (5); 3781-A; *et. al.* Within the rule, Section 18(III)(C) limits the program to the afore mentioned \$6,000,000 in TANF block grant funds and provides contingencies for reducing or ending the program prior to June 30, 2022, but the rule does not state that the program will not continue beyond June 30, 2022, should funding remain. There was no change as a result of this comment.

**Comment 96:** Commenter 497 stated, “I want to note that the rules as drafted require a 30-day, period in which the title has to be transferred yet, the RFP requires a 90-day, transfer period. So, the RFP, in that case, would be in violation of the draft rules.”

**Response to Comment 96:** The Department thanks you for your comment. Please see the Response to Comment 94.

**Comment 97:** Commenter 497 stated, “We’re, obviously, concerned about transferring the title, while the premiums are being paid, and prior to graduation of the program.”

**Response to Comment 97:** The Department thanks you for your comment. Please see the Response to Comment 27.

**Comment 98:** Commenter 497 stated, “We’re, also, concerned that upon graduation of the program, there’s no requirement that the participant, keep the car.”

**Response to Comment 98:** The Department thanks you for your comment. Please see the Response to Comment 32.

**Comment 99:** Commenter 497 stated, “It’s not clear as to how that car would be counted in the assets of the individual, because that car could, still, be worth 15 or 20 thousand dollars depending on the make and model and how much mileage is on it.”

**Response to Comment 99:** The Department thanks you for your comment. This rule makes no stipulations that any items distributed through this program would have special treatment as an asset. The treatment of assets for other program eligibility determinations is articulated within each program’s regulations. Treatment of assets for non-agency programs is not the purview of this agency. The treatment of vehicles, gas cards, or any other asset distributed as part of this program are outside of the scope of this rulemaking. There was no change as a result of this comment.

**Comment 100:** Commenter 497 stated, “There’s also a concern about the draft rules regarding the purpose for and the use of the premium payments. And the draft rules states the premium payments that they have to make the premium payment of the \$300 down payment and then the \$100 a month or so that that payment is there and that separately and this is in subsection VII(C) the additional vehicle access provision, that basically that the Department is requiring that outside of any assistance, the participant is able to pay for their for the premium, as well as, it enumerates, the maintenance any maintenance costs and any kind of registration, excise taxes, insurance, etc. but, in the RFP, it specifically details that these premium payments are to be held and set aside, and to be used for those payments for excise taxes, insurance and repairs on the vehicles, as well as, inspections. So, there’s, definitely, a conflict between—the rule, as drafted, which is basically saying that those additional costs have to be able to be paid for by the participant outside of any benefit; and, then, the RFP which is saying that those premium payments would not be applied to the cost of the car; That they would actually be held, essentially, in trust for the individual in the program and, then, in that case, those payments are being paid for those payments are being used to pay for the costs of vehicle ownership; And, in that case, there’s the vehicle is free, because there’s no payment, premium being applied toward the value of the vehicle or, even, being retained by the contractor or the Department; All of those premiums are being held and then used to pay for the cost of vehicle ownership as drafted in RFP”

**Response to Comment 100:** The Department thanks you for your comment. Section 18(VII)(C)(1)(a) specifies that prior to transferring title the Department must determine that the participant is able to pay all expenses associated with owning the vehicle without Department assistance. This ability to the pay expenses will be crucial post participation and is necessary for this support to be a long-term solution to the transportation barrier to employment. Section 18(VII)(A)(4)(j) requires the participant to conduct routine maintenance. Section 18 subsections A(4)(n) and C(1)(b) require the participant to maintain registration, and insurance; ensure the vehicle passes inspection; and ensure taxes are paid. None of these requirements explicitly require the participant to pay for them. In fact, Section 18 (A)(4)(n) specifically states the participant will “cooperate with and assist the Department in”

these endeavors. The content of the RFP and subsequent contracts is outside of the scope of this rulemaking. There was no change as a result of this comment.

**Comment 101:** Commenter 497 stated, “We’re also concerned about the RFP and the rules for lacking any specification regarding the requirements about handling these payments, whether there will be interest accrued, to whom that interest would accrue what does a late payment constitute, because it says it has to be paid by the 15th of the month and ... if it’s paid on the 16th, is that a violation? Does it have to be postmarked by the 15th? There’s a lot of technicalities there that you’re dealing with you’re dealing with someone’s vehicle for their livelihood, and you’re also dealing with a very high value asset for the State of Maine and, you need to make sure that that is very clear as to how all of those payments are going to be accrued, and, if there’s any money in the fund left over upon program graduation, are those funds reimbursed to the individual or do they get retained by the, uh, agency?”

**Response to Comment 101:** The Department thanks you for your comment. Section 18(VII)(C)(2) does not mention interest, therefore no interest is assessed. Premiums are due by the 15<sup>th</sup> of each month, with exceptions detailed in Section 18(VII)(C)(2)(c)). One missed payment will result in an overpayment being assessed. The second missed payment will result in the participant needing to return the vehicle. There is no provision for premiums or down payments to be returned to participants or graduates. There was no change as a result of this comment.

**Comment 102:** Commenter 497 stated, “There is also a lack of timelines for the development of the polices and the computer system administration.”

**Response to Comment 102:** The Department thanks you for your comment. Such timelines are outside of the scope of this rulemaking. There was no change as a result of this comment.

**Comment 103:** Commenter 497 stated, “this program is to sunset, currently, on July 1 of 2022; It requires 24 months of payments but, yet, between the RFP getting started and then the contractor being able to come up um, the rules are very specific around the 24 months but the program, technically, could, probably, end when the payments have only been made for 18 months. So, at that point, how do you resolve the situation? Do they need to pay the balance of the payments to the state? Do they just keep the car with only 18 months’ worth of payments? It’s that resolution and the conflict between the timing of the contract, the number of payments that are required under the rules, and the day of sunset the statute is another problem that needs to be addressed legally, within and in light of the transfer of the titles etc.

**Response to Comment 103:** The Department thanks you for your comment. Please see the Response to Comment 95.

**Comment 104:** Commenter 497 stated, “We are, particularly, concerned, that there is no requirement, in the RFP, or any requirement, in the rules, that these vehicles be contracted and purchased from Maine’s new or used car dealerships.”

**Response to Comment 104:** The Department thanks you for your comment. While the Department expects vehicles to be obtained from Maine’s new or used car dealerships whenever possible, the Department has concerns that due to the fact that the program is entirely funded with federal funds, a specific prohibition on procurement of a vehicle from a non-Maine source could lead to inefficiencies and possible violation of the Commerce Clause (U.S. Constitution Annotated Article I, Section VIII, Clause III). There was no change as a result of this comment.

**Comment 105:** Commenter 497 stated, “We are concerned that there are no limits on the value or the types of cars that can be purchased and whether or not a donated vehicle that is a high value vehicle would be subject to being sold and then having those funds repurposed into the program to provide more vehicle access than just one individual vehicle.”

**Response to Comment 105:** The Department thanks you for your comment. Please see the Response to Comment 72. There was no change as a result of this comment.

**Comment 106:** Commenter 497 stated, “The rules lack specifications around the provision of Drivers’ Ed and eligibility of newly licensed drivers in eligibility for vehicle access. We know that newly licensed drivers have provisional licenses and the reason is because they are more accident prone. They have a statistically higher average of accidents and, so, would there be limits on the timing of when they could access a vehicle under this program?”

**Response to Comment 106:** The Department thanks you for your comment. Section 18(V)(D)(2) specifies that participants granted vehicle access must be at least 21 years of age. Driver’s acquiring a license at this age are subject to the provisional period for only one year, as opposed to the two-year period for younger drivers (see 29-A M.R.S. §§ 2471 and 2472). While evidence shows that some of the increased risk of accidents is related to general inexperience, much is also attributed to the incompletely developed prefrontal cortex. The age and education provisions and background check of Section 18(V)(D) and the driving background review detailed at Section 18(VI)(C)(9) are designed to reduce the likelihood of a participant being involved in an accident. Even so, crashes may happen. Therefore, Section VII(A)(4)(h) and (k) provide requirements should such an eventuality occur. There was no change as a result of this comment.

**Comment 107:** Commenter 497 stated, “There is, also, a lack of clarity, in the rules, regarding the consequences for violation of the commitments. For example, if someone repeatedly allows someone else to drive the vehicle, how many times is allowed before it is deemed sufficient to result in the disqualification of the participant? And, how is that going to be monitored? If it’s an intentional program violation if someone other than the participant is pulled over by law enforcement or in an accident while driving the vehicle.

**Response to Comment 107:** The Department thanks you for your comment. Please see the Response to Comment 17. Section 18 (VIII)(A)(2) is clear that termination of program participation will occur if the participant fails to comply with a provision in

their Agreement. There is no allowance for multiple failures. Once will result in termination. There was no change as a result of this comment.

**Comment 108** Commenter 497 stated, “the RFP and the rules lack specifications for the handling of funds: the payments, the processing times, the posting to participant accounts ... how the payment processing requests will be handled, and whether the payments will be issued directly to the vendor, or the participant, and how will the participant be reimbursed for costs that are initially paid out-of-pocket but then the expenses actually qualify for payment out of the accrued fund?”

**Response to Comment 108:** The Department thanks you for your comment. Specifics around payment of supports are detailed in Section 14 of the regulations governing ASPIRE (10-144 Chapter 607) and are outside of the scope of this rulemaking. There was no change as a result of this comment.

**Comment 109:** Commenter 497 stated, “The RFP ... the rules lack requirement for a system to track or monitor the vehicles to make sure they are not being used for unauthorized purposes.”

**Response to Comment 109:** The Department thanks you for your comment. Please see the Response to Comment 17.

**Comment 110:** Commenter 497 stated, “The RFP staffing requirements lack any requirement for a person to oversee financial transactions, enter in track payments, and ensure on time payment of purchasing and bills. There’s nothing requiring any staff experienced in handling trust accounts or funds or escrow accounts or things of that nature as this program is setting up.

None of the RFP performance measures include accurate tracking, handling or management of the program assets, to include the vehicles and to include the participants’ money. And, none of the RFP performance measures ensure that the program is managed to ensure that the vehicles are provided in a way that maximize the resources, for examples, limits on the cost of vehicles purchased for the program, requirements that high value vehicles donated to the program are sold to reduce the cost of maintenance, or to purchase more than one vehicle. And, the RFP does not specify how the Department funds are to be handled, rather it asks the bidder to propose how it will handle the funds. And we have a serious concern about that. The Department should be specifying the minimum requirements to how its program funds are to be disbursed and managed and that should be done in the rules. It should not be left to the discretion of the contractor to propose and that should be incorporated, certainly, into ... how that disbursement of funds ... How those percentages are used and ... and how they’re used over time to meet the program targets should be part of the rules and, certainly, part of the contract.

**Response to Comment 110:** The Department thanks you for your comment. Please see the Response to Comment 108. The content of the RFP or subsequent contract(s) is outside of the scope of this rulemaking. There was no change as a result of this comment.

**42. Commenter 498. R. J. Brent Levesque**

**Comment 111:** Commenter 498 stated, “Delay or not this needs to end!”

**Response to Comment 111:** The Department thanks you for your comment. Please see the Response to Comment 12.

**43. Commenter 499. Brian Blake**

**Comment 112:** Commenter 499 stated, “Absolutely not. Increasing the tax burden on those who work and have to pay their own way, is just another path to keeping Maine a welfare state.”

**Response to Comment 112:** The Department thanks you for your comment. Please see the Response to Comment 6.

**44. Commenter 500. Amanda Henson**

**Comment 113:** Commenter 500 stated, “I am submitting this to voice my concerns over the Working Cars for Working Families car buying program that is being considered. This plan is not good for Maine. There are simply too many problems with it. There are no values listed as to what the cars would be worth. In ha omg recently purchased a newer used car I know firsthand there isn’t much to be had for \$2700. At least nothing that is safe and reliable. Which means this program is operating on losses. There are no safeguards to prevent sale of the vehicle since the title is signed over after they e paid just \$300. There is also so safeguard to ensure they will continue to pay once the title has been signed over. With the amount of welfare abuse that happens in this state adding a program that all but grants permission to commit fraud makes no sense.”

**Response to Comment 113:** The Department thanks you for your comment. Please see the Responses to Comments 32 and 70. There was no change as a result of this comment.

**45. Commenter 501. Capt. Shawn Tibbetts**

**Comment 114:** Commenter 501 stated, “This program should be completely scraped. Cars are luxury not a necessity. There are plenty of jobs for those who want to work. People who are on public assistant shouldn't live better than those of us paying for it!”

**Response to Comment 114:** The Department thanks you for your comment. Please see the Responses to Comments 12 and 28. There was no change as a result of this comment.

**46. Commenter 502. Donna S. Talbot**

**Comment 115:** Commenter 502 stated, “No to basically free cars for people who already receive assistance.”

**Response to Comment 115:** The Department thanks you for your comment. Please see the Response to Comment 12.

**47. Commenter 503. Sen. Stacey Guerin, Maine State Senate**

**Comment 116:** Commenter 503 stated, “There should be a provision to prohibit the sale of these vehicles for the profit of the owner. Perhaps any sale would have to go through the state for a period of two or three years with the profit from the sale returning to the program.”

**Response to Comment 116:** The Department thanks you for your comment. Please see the Response to Comment 32.

**48. Commenter 504. Mary Hyland**

**Comment 117:** Commenter 504 stated, “\$6 million would be better spent on getting kids back to school this fall! And don’t even get me started on kids with autism who have been without services since the middle of March!”

**Response to Comment 117:** The Department thanks you for your comment. Please see the Response to Comment 6. There was no change as a result of this comment.

**49. Commenter 505. Hilary Ellingwood**

**Comment 118:** Commenter 505 stated, “Please reconsider this plan, at a time when money is tight for the state and the USA as a whole. With money tight it seems like a really bad way to spend our money. It seems that there must be a better way to help people get to work, maybe we need to put a fraction of that money into a better public transportation system, like public buses for larger cities. As a tax payer and hard working Mainer who pays for my own car, this is a slap in the face. We deserve a vote on whether this should happen or not.”

**Response to Comment 118:** The Department thanks you for your comment. Please see the Responses to Comments 3, 15 and 66. There was no change as a result of this comment.

**50. Commenter 506. Catherine DeRocchi**

**Comment 119:** Commenter 506 stated, “Maine can not afford this right now. The governor is spending our tax payer dollars at an alarming rate.

**Response to Comment 119:** The Department thanks you for your comment. Please see the Response to Comment 6. The program is intended to remove barriers that prevent people from transitioning from being on public assistance to employment and self-support. There was no change as a result of this comment.

**Comment 120:** Commenter 506 stated, “I am petitioning for a hearing on this before it can be passed. Maine can not afford this program right now. Governor Mills is spending our

hard earned tax payer money at an alarming rate especially considering we are still facing a pandemic and public health crisis.”

**Response to Comment 120:** The Department thanks you for your comment. Please see the Response to Comment 119. As a result of this and other requests for a public hearing, one was held August 10, 2020.

#### **51. Commenter 507. Neil Byrd**

**Comment 121:** Commenter 507 stated, “I have lived in a few states but this is the first time I’m seeing such actions such as buying cars for anyone. This so wrong cause as an immigrant I walked from the train station in the rain and snow and I never looked for a handout. Now at a time when this state is having revenue issues to hear that the Mills administration is thinking of giving cars to some residents who are already collecting welfare at my expense as a tax paying citizen of Maine. I’m asking therefore that the plan of buying cars for welfare recipients be stopped in it’s tracks. We the voters are watching and at my job people are very upset.”

**Response to Comment 121:** The Department thanks you for your comment. Please see the Response to Comment 119.

#### **52. Commenter 508. Sen. Marianne Moore, Maine State Senate**

**Comment 122:** Commenter 508 stated, “III. Administration, C-3: ‘If funding is not sufficient to maintain current programming as provided...’ COMMENT: Will the cars be returned?”

**Response to Comment 122:** The Department thanks you for your comment. Section 18(III)(C)(3) specifies that services would be terminated in such a circumstance. Section 18(VII)(C)(3) specifies that the participant will only retain ownership of the vehicle after making the down payment and 24 monthly premium payments. If participation is terminated prior to all payments being made, the vehicle would need to be returned. Section 18(III)(C)(3) specifies that the participant would be given at least 14 days’ notice prior to termination, to allow the opportunity to secure the funds to complete the payments prior to termination and retain the vehicle if possible. There was no change as a result of this comment.

**Comment 123:** Commenter 508 stated, “V. Basic Eligibility Criteria, D-3: ‘This demonstration includes completion of each of the following courses prior to vehicle delivery, if the Department provides them:

- i. Driver safety course (Maine Driving Dynamics);
- ii. Vehicle ownership orientation; and
- iii. Vehicle ownership course including financial preparation.’

COMMENT: I feel these courses are very important for this program to be a success. Will the Department be providing them and make them mandatory?”



**Response to Comment 123:** The Department thanks you for your comment. These or similar courses are available from a number of statewide providers. It is outside the Department’s mission and area of expertise to provide these courses. The provider contract and the individual Program Agreement will provide an increased level of detail and specificity. What is required for each individual is best addressed at the Program Agreement level and is outside of the scope of this rulemaking. There was no change as a result of this comment.

**Comment 124:** Commenter 508 stated, “V. Basic Eligibility Criteria, D-4: ‘Not have been convicted of any of the following offenses, as determined by self-attestation and a background check’ COMMENT: Who will be paying for the background check?”

**Response to Comment 124:** The Department thanks you for your comment. The Department anticipates the contractor will conduct a background check, utilizing the Department’s background check program, or other methods, whichever is the most efficient. The details regarding the background check are outside the scope of this rulemaking and will be addressed in the vendor contract. There was no change as a result of this comment.

**Comment 125:** Commenter 508 stated, “V. Basic Eligibility Criteria, D-5: (References payment(s)) COMMENT: Will the payments go back into the program?”

**Response to Comment 125:** The Department thanks you for your comment. Yes. Funding referenced within these rules remains in the program. There was no change as a result of this comment.

**Comment 126:** Commenter 508 stated, “VII. Participation and Continued Eligibility Requirements, A-2: ‘Effect — The participant shall comply with the terms of their Agreement, and failure to do so may result in termination of enrollment’ COMMENT: Will they be required to return the vehicle?”

**Response to Comment 126:** The Department thanks you for your comment. Yes. Section 18(VII)(A)(4)(o) specifies that in such a circumstance they would need to return the vehicle. There was no change as a result of this comment.

**Comment 127:** Commenter 508 stated, “VII. Participation and Continued Eligibility Requirements, A-4(b): ‘A commitment not to sell or trade the vehicle during Program participation’ COMMENT: Should there be a clause where they can not sell or trade the vehicle for 3-5 years or something similar?”

**Response to Comment 127:** The Department thanks you for your comment. Please see the Response to Comment 32.

**Comment 128:** Commenter 508 stated, “VII. Participation and Continued Eligibility Requirements, A-4(j, k, n) RE: routine maintenance, repairs, registration, insurance, state inspection, and taxes COMMENT: Who will be responsible for paying for the services?”

**Response to Comment 128:** The Department thanks you for your comment. Please see the Response to Comment 100. There was no change as a result of this comment.

**Comment 129:** Commenter 508 stated, “VII. Participation and Continued Eligibility Requirements, C-1: ‘The Department shall transfer title to all vehicles provided to program participants within thirty (30) calendars days of vehicle distribution.’ COMMENT: Definitely a concern! Should consider the State maintaining a lien on the title similar to a bank.”

**Response to Comment 129:** The Department thanks you for your comment. Please see the Response to Comment 27.

**Comment 130:** Commenter 508 stated, “VII. Participation and Continued Eligibility Requirements, C-1(b)(i,ii,iii,iv) COMMENT: Who will be responsible for paying for the services?”

**Response to Comment 130:** The Department thanks you for your comment. Please see the Response to Comment 100. There was no change as a result of this comment.

**Comment 131:** Commenter 508 stated, “VII. Participation and Continued Eligibility Requirements, C-3: ‘Program Graduation’ COMMENT: Consider only transferring the title of the vehicle to the participant at Program Graduation.”

**Response to Comment 131:** The Department thanks you for your comment. Please see the Response to Comment 27.

### **53. Commenter 509. Bridget Messer**

**Comment 132:** Commenter 509 stated, “You have so many people using these government assistance programs that any money coming into this state right now NEEDS to go back too the ALREADY working families in this state!! Tax payers are fed up with it!! We're all sick of paying ... close to the highest taxes in the nation as it is and governor Mills, i would ask you, some you want to throw away 6 million dollars to buy cars for people that don't really care to get up ... and get jobs”

**Response to Comment 132:** The Department thanks you for your comment. Please see the Responses to Comments 6 and 12. There was no change as a result of this comment.

**Comment 133:** Commenter 509 asked, “are any of these cats going to the immigrants you decided to bring into this state as soon as you was elected governor????” The commenter stated, “Not one ... car should be going to immigrants you brought here. If you insist this stupidity happens, there should be a "RULE" that you have to hav e lived in MAINE your ENTIRE LIFE!!! FROM BIRTH!!”

**Response to Comment 133:** The Department thanks you for your comment. Title 22 M.R.S. § 3769-F specifies that the program be funded with federal TANF block grant funds accrued prior to fiscal year 2017-18. This funding limitation is reiterated within the rules at Section 18(II)(C). As such, the state cannot extend this program to

individuals whose citizenship status makes them ineligible for federally funded TANF nor can it restrict anyone who is eligible for federally funded TANF from participating. The change is listed below in the List of Changes to Final Rule.

**Comment 134:** Commenter 509 stated, “You've given enough of our money to who you think will vote for you. Enough is enough. Stop with the nonsense. Give back to the tax payers of this state for once. She's a greedy evil person and she's ruining the state of Maine. GIVE BACK THE MONEY YOU'VE STOLEN FROM THE CITIZENS OF THIS STATE!!!!”

**Response to Comment 134:** The Department thanks you for your comment. This comment is out of the scope of this rulemaking. There was no change as a result of this comment.

#### **54. Commenter 510. Deborah Ibonwa, Maine Equal Justice**

**Comment 135:** Commenter 510 stated, “We recommend the following changes, which clarifies that the goal of the program is not just for participants to find any employment, but sustainable employment. This language also mirrors the language a 22 MRSA §3769-F which establishes the program.

- SUMMARY: This section describes the Working Cars for Working Families Program (referred to in this Section as “the Program”), which is created to provide transportation for low-income individuals to obtain and retain sustainable employment. This Section establishes the Program, sets out eligibility and ongoing participation criteria, and describes the application and decision-making processes.

**Response to Comment 135:** The Department thanks you for your comment. The definition of “sustainable employment” is outside of the scope of this rulemaking. There was no change as a result of this comment.

**Comment 136:** Commenter 510 stated, “We recommend the following changes that reflects the language from § 3769-F.. We also note that this proposed rule would provide the Department with too much discretion to decide whether or not to provide an otherwise eligible person with a car. The rule should provide specific criteria that will be used in determining whether someone is eligible for assistance and the type of transportation for which they will be eligible. For example, what standards will apply in determining whether an applicant will qualify for a car, or will be told that they must rely on ridesharing with neighbors? Will child care drop off be considered? Will public health considerations like social distancing be considered?”

**Response to Comment 136:** The Department thanks you for your comment. The commenter correctly identified that the law, the rules, the provider contract, and individual Program Agreements each provide an increased level of detail and specificity. There was no change as a result of this comment.

**Comment 137:** Commenter 510 stated, “Maine has among the highest rate of self-employment of any state and make up 10% of the workforce in Maine compared to 6%

nationally. 1 Given the large number of low-income folks that are self-employed we believe that people who are self-employed should be eligible for this benefit to the same extent as other workers. Selfemployed individuals should be eligible for this program as they are for TANF, Alternative Aid, HOPE, PaS, Food Supplements and General Assistance. There is no reasonable rationale for excluding self-employment, as vehicles are just as necessary for people engaged in self-employment activities who must use a vehicle to procure supplies and deliver products and more. Thus, there is no rational basis to exclude this group of workers. As noted above, the governing statute requires that a person be eligible for the use of federal TANF funds without exclusion. An otherwise eligible self-employed person meets this test. The same applies for 'earned income.' which is defined in the TANF manual as including self-employment income. With this in mind, we offer the following changes:

- 1. For purpose of this Program, 'sustainable employment' is employment that leads or is reasonably expected to lead to a family ending its financial need for cash assistance, including TANF, PaS, and Alternative Aid. ~~'Employment' within the meaning of this Section does not include self-employment or any form of employment that involves a subsidy to the employer.~~
- 2. For purposes of this Program, 'earned income' is as defined in 10-144 C.M.R. Ch. 331 Introduction and Definitions, ~~and limited by Subsection III (B) of this Section."~~

**Response to Comment 137:** The Department thanks you for your comment. The purpose of this program is to provide transportation solutions to solve barriers to employment, not to subsidize a business expense. A self-employed individual who can engage in their business without these supports may or may not qualify for them. Eligibility decisions will be made on a case by case basis, as defined in the rule. There was no change as a result of this comment.

**Comment 138:** Commenter 510, With regard to Funding Contingencies, stated, "We believe the Department should abide by the same timely and adequate notice requirements that exist for other programs, including categorical denials, as is the case for all notices sent to TANF participants. Also similar to TANF and ASPIRE programs, the Department should abide by the requirement to give notice of the right to appeal a decision that would impact their eligibility for or amount of services, as well as how to appeal a decision before the Department makes such changes. In addition, the Department needs to develop specific procedures that it must follow to determine that there is insufficient money to continue with the program." The commenter provided suggested language.

**Response to Comment 138:** The Department thanks you for your comment. The provisions for noticing at Section 18(III)(C)(4) are consistent with notice of adverse action for all OFI programs. The limitations on appeal at Section 18(III)(C)(5) are consistent with all agency programs. Appeals are available for decisions made on individual cases. No appeal is available if the decision is the result of circumstances beyond the Department's control (such as changes to federal regulations or lack of funding). There was no change as a result of this comment.

**Comment 139:** Commenter 510 stated, “As a matter of law and policy, we think this proposed rule leaves too much room for discretion for the Department and does not follow clear criterion for eligibility, creating a chance of abusing discretion and violating an applicant’s due process rights. If an applicant is found eligible according to the eligibility criteria and the resources are available, the Department should then provide them with a car. It is a matter of eligibility, not whether the Department deems that the participant is “appropriate” for the program. Further, the applicant always has the right to appeal. Thus, we urge the Department to make that clear in this section and everywhere else that the applicant can appeal ‘if applicable.’” The Commenter provided suggested language.

**Response to Comment 139:** The Department thanks you for your comment. It is a gross overstatement of the intent of the law and the rules to say if someone is eligible, they should be provided with a car. 22 M.R.S. 3769-F does not state that cars will be provided to each participant. The law requires the Department to operate a program to provide long-term solutions to transportation. Appeal rights are detailed in Section 18(VIII)(B) there is no need to articulate each instance where they do apply. Such redundancy would diminish the readability of the rule. It is sufficient to detail those instances where these rights do not apply. They do apply to all other decision There was no change as a result of this comment.

**Comment 140:** Commenter 510 stated, “Translated versions of uniform applications for the Program should be available upon the request of an applicant in order to comply with federal law and the Maine Human Rights Act.” The Commenter provided suggested changes to the rule language.

**Response to Comment 140:** The Department thanks you for your comment. The Commenter points out that language access provisions are detailed in law already. As such, they are outside of the scope of this rulemaking. The Department has and will continue to comply with all applicable laws. There was no change as a result of this comment.

**Comment 141:** Commenter 510 stated, “We recommend implementing language that provides the applicant with opportunity to explain circumstances that barred them from attending an assessment, and also to substitute ‘appropriate’ and ‘suitability for the program’ with ‘eligibility’ for the reasons described above.” The Commenter provided suggested language.

**Response to Comment 141:** The Department thanks you for your comment. If an applicant does not participate in their assessment, the Department and the contracted vendor will be unable to determine eligibility. If they are denied services, they have a right to appeal as defined in Section 18(VIII)(B). ASPIRE policy defines “Good Cause,” and that policy will extend to this program. There was no change as a result of this comment.

**Comment 142:** Commenter 510 stated, “We echo the same sentiments as above regarding opportunity to prove good cause, and that the Department should not have discretion in providing anything less than what the applicant is eligible for and requests, as well as

what is available under this program. If a transportation service available is not someone's first choice, yet they are eligible, that means they should have the chance to decide what they want to do before the Department issues a denial and forces the applicant to go navigate the process of filing an appeal." The Commenter provided suggested language.

**Response to Comment 142:** The Department thanks you for your comment. Please see the response to Comment 141.

**Comment 143:** Commenter 510 stated, "We believe that the only proof of 'transportation need' that applicants should be required to provide is that the applicant would have improved access to sustainable employment or preparation for employment as a result of program participation. These proposed rules would require applicants to prove they could obtain or do currently have employment that consists of a 30-hour work-week at minimum. This is harmful because this does not have language requiring opportunity to show good cause for working less than that and ignores the fact that many people will in fact have good cause due to various reasons, including disability which would require reasonable accommodation by the Department pursuant to the Maine Human Rights Act.' The Commenter provided suggested language.

**Response to Comment 143:** The Department thanks you for your comment. Eligibility for transportation support under this program will be determined on a case-by-case basis. The Department and the contracted provider will not discriminate against any party and will abide by all applicable State and federal laws. ASPIRE "Good Cause" policy (10-144 C.M.R. Ch. 307 § 4(III)) applies to this program. There was no change as a result of this comment.

**Comment 144:** Commenter 510 stated, "The requirements under [Section 18(V)(B)(2)] should set out a clear deadline for the Department's verification process."

**Response to Comment 144:** The Department thanks you for your comment. Section 18(V)(B)(2) outlines ineligibility criteria: "Transportation Limitations. An applicant will be eligible for the Program only if they do not have access to sufficient transportation to maintain or obtain sustainable employment." Individual circumstances will be determined at the point of intake and assessment and are outside the scope of this rulemaking. Section 18 (V)(E) states timely requirements for verifications. There was no change as a result of this comment.

**Comment 145:** Commenter 510 stated, "Regarding [Section 18(V)(B)(2)(i)], it is not necessary to delay the benefit in order to check with agencies from states other than Maine where the applicant has lived. If the applicant is a Maine resident and needs a car to enable them sustain employment, then they are eligible and should be provided a car pursuant to state law. We recommend that the Department make the necessary verifications within 7 days.

**Response to Comment 145:** The Department thanks you for your comment. For all programs, the Department includes methods and systems that ensure program

integrity and accessibility within the confines of State and federal laws and regulations. There was no change as a result of this comment.

**Comment 146:** Commenter 510 stated, “[Section 18(V)(B)(2)(ii)] Provides that an applicant is not eligible if someone they live with has a running car and that other person’s work and childcare schedule does not conflict with the applicant’s. This assumes the applicant has the right to use someone else’s vehicle. The Department needs to verify with the applicant whether or not they have authority to use that car, and if they do not then the Department is obligated to provide a car under this program pursuant to state law. The Department may perhaps verify whether the applicant has authority or not by seeking a self-attestation or the attestation of the car owner.

**Response to Comment 146:** The Department thanks you for your comment. The Department is not obligated by statute or regulation to provide a specific transportation support to an individual through this program. Individual eligibility and circumstances will be determined at the point of intake and assessment and will consider individual’s specific circumstances and needs. There was no change as a result of this comment.

**Comment 147:** Commenter 510 stated, “[Section 18(V)(B)(2)(iii)] is problematic because it fails to flag that public transportation needs to be reasonably accommodating for each applicant according to the MHRA. The provision should make it clear that public transportation in this context will only be considered an alternate resource if it is reasonably accommodating pursuant to the MHRA. The 1 hour time frame set out in this subsection, for example, should be removed because that long of a commute may be the reason why an individual is in need and applying for a car at the Department.

**Response to Comment 147:** The Department thanks you for your comment. Please see the Response to Comment 3. There was no change as a result of this comment.

**Comment 148:** Commenter 510 stated, “[Section 18 (V)(C)(1)(a)] should include a provision saying that the subsection does not apply if the applicant had provided good cause for the sanctions or can provide good cause now. This is a legally obligated process and consideration that must be made before a participant is sanctioned from the ASPIRE program. See LD 1247. Therefore, when considering whether an applicant has been sanctioned from the ASPIRE program and basing ineligibility on that sanctioning, the Department should ensure that those ASPIRE sanctions were done legally through the good cause determination process.

**Response to Comment 148:** The Department thanks you for your comment. All relevant “Good Cause” (10-144 C.M.R. Ch. 607 § 4(III)) processes will be applied to this program. There was no change as a result of this comment.

**Comment 149:** Commenter 510, regarding Section 18(V)(C)(2)(b) stated, “See comment for subsection 1(a)”

**Response to Comment 149:** The Department thanks you for your comment. Please see the Response to Comment 148.

**Comment 150:** Commenter 510 stated, “[Section 18(V)(C)(2)(d)]: This proposed rule provides that in order to be eligible for Working Cars for Working Families, an applicant that is a mandatory ASPIRE participant must have completed requirements for the previous three months or since the beginning of participation in the program without having claimed good cause. Does this mean that if someone claimed good cause in the previous three months and because of that did not meet the requirements of the ASPIRE program, they are disqualified from this program? If so, we disagree and think that Working Cars for Working Families should not exclude mandatory ASPIRE participants who have not successfully fulfilled ASPIRE requirements due to the fact that they had needed good cause. To the extent that this is an erroneous interpretation of the proposed rule, and the Department agrees with the idea that good cause claimants cannot be excluded from this program, we think the language should be re-drafted to be clearer and ask for clarification. Good cause in an integral part of the ASPIRE program and if someone needed good cause while participating in that program that does not mean they should be disqualified from any program.

**Response to Comment 150:** The Department thanks you for your comment. The Department agrees that Good Cause is an intricate part of the ASPIRE program as a whole. This program is specifically for individuals who would obtain or retain sustainable employment except for transportation barriers. The program is intended to remove barriers that prevent people from transitioning from being on public assistance to being employed and self-supporting. If an individual has “Good Cause” not to engage in or seek employment, then the individual would not be in need of transportation assistance under this program. There was no change as a result of this comment.

**Comment 151:** Commenter 510 stated, “[Section 18(V)(D)(4)]: The Department should shorten the time frame for having a OUI, DUI, or DWI conviction. 10 years is excessive, and seems arbitrary, as are the time frames set out in D. 4 (b) - (c). Furthermore, this provision is likely to have a discriminatory impact as it is well documented nationally and within our state that Black people and persons of color are arrested at much higher rates than their white counterparts. Not to mention the general fact that someone’s past does not determine who they are and where they are in life currently. Furthermore, it is our understanding that it is the vehicle owner who is responsible for insuring the vehicle under this program, not the Department, and the recipient would liable for any accidents. Therefore, it is enough the applicant proves their responsibility through case management services, assessments, and the course set out in subsection D (3). There is no reason that the Department should have this requirement or information about someone and section 4 should be removed, or the time frames for having a record without convictions should be shortened to the last 12 months and the category of convictions should only be for high level crimes such as intentional homicide or aggravated sexual assault. The Department should also mirror the model of 22 MRS 3104 (14), an affirmative Maine law prohibiting ineligibility determinations on the basis of drug-related felonies, and (15), which allows a determination of ineligibility for SNAP in cases where the applicant has had a conviction for a violent crime and sexual assault. The TANF statute states the same policy un 22 MRS 3762 (17). Moreover, when an applicant is found ineligible because of their criminal record, we recommend limiting the period of



ineligibility for a period where the applicant may provide proof of successfully completing rehabilitative social services programs.

**Response to Comment 151:** The Department thanks you for your comment. A ten-year retrospective is not arbitrary, but is consistent with the majority of automobile insurance policies. The Department is seeking to ensure that any vehicle provided through this program will be used in the manner intended and will not be provided to an individual unfit for vehicle operation. The Department will ensure that this program will not disadvantage any individual based on past indiscretions. The rules ensure consistent standards in determining program eligibility. Any discrimination that may or may not take place in the enforcement of laws is outside of the scope of this rule. To the extent that they are not enforcement of agency policies, they are outside of the scope of this rulemaking and the agency altogether. The references the commenter makes to ineligibility due to certain crimes are for general participation in assistance programs and are outside the scope of this rulemaking. The stipulations detailed here are related to crimes directly related to the support in question (specifically vehicle ownership and operation). There was no change as a result of this comment.

**Comment 152:** Commenter 510 stated, “[Section 18(V)(D)(5)]: Considering the fact that the Program is to aid low income families and help them integrate into the workforce through sustainable employment, requiring three monthly premium payments without the offer of any extended pay periods or financial assistance would create major barriers for Maine’s most vulnerable population. Therefore, we recommend the changes above. Moreover, it is not clear whether a down payment and a car payment must be made in the same month. Given the limited income of eligible families we strongly recommend that these costs may not be charge in the same month, but rather that the first 3 months of payment be considered the down payment.

**Response to Comment 152:** The Department thanks you for your comment. As far as the changes recommended above, please see the responses to the comments above. Section 18(V)(D)(4) is clear that the down payment is a prerequisite to program participation. Section 18(VII)(C)(2) is clear that the premium payments are made to continue eligibility. As such, the down payments would precede the premium payments. There was no change as a result of this comment.

**Comment 153:** Commenter 510, regarding Section 18(V)(E) stated, “The time period for responding to a request from the Department for verifying documents should be 12 days (10 days for notice and two days for mailing), which is the same amount of time the Department has to provide notices to TANF participants.”

**Response to Comment 153:** The Department thanks you for your comment. The ten-business day standard is longer than the standard twelve calendar day standard, as ten business days would include at least one weekend (and usually two). The Department does not intend to make these rules more restrictive than standard practice, and the proposed rules reflect that intent. There was no change as a result of this comment.

**Comment 154:** Commenter 510 stated, “[Section 18(VI)(A)]: We flag again that the Department’s discretion in providing anything other than a working and reliable car should be limited. If a car is available and the client has demonstrated need and meets the eligibility criteria as set out in LD 1475. The Department should not be able to decide to offer anything different than a car under this program unless they show that resources are not available and/or the applicant makes an alternative request.

**Response to Comment 154:** The Department thanks you for your comment. LD 1475 was not passed by the Legislature, and thus not signed by the Governor. It is irrelevant to this program and this rulemaking. The rule specifies that the most effective and efficient method to achieve the goal of providing long-term transportation solutions will be used. There was no change as a result of this comment.

**Comment 155:** Commenter 510, regarding Section 18(VI)(B), stated, “The assessment scheduling should always be done in writing and a record of it should be provided to the applicant. It should always also be done verbally, not either/or.”

**Response to Comment 155:** The Department thanks you for your comment. Requiring written and verbal scheduling would result in unnecessary delays in supports. An applicant who can be reached by phone and have an appointment scheduled for the next day should not have their assessment delayed three or more days to wait for a written scheduling letter to be received by mail. Similarly, if someone cannot be reached by phone, the initial assessment appointment should be scheduled as quickly as postal noticing allows, not delayed until they can be reached. If the appointment in the written notice is at a time that does not work for the applicant, Section 18(VI)(B) allows for rescheduling within acceptable timeframes. There was no change as a result of this comment.

**Comment 156:** Commenter 510, regarding Section 18(VI)(B), stated, “The Department should notify the applicant verbally if they are eligible or not to provide for the applicant to ask any questions and be provided with a clear understanding of appeal right, followed with a written decision stating the applicant’s right to appeal.”

**Response to Comment 156:** The Department thanks you for your comment. Noticing details will be addressed in provider contract and are outside of the scope of this rulemaking. There was no change as a result of this comment.

**Comment 157:** Commenter 510, regarding Section 18(VI)(B), stated, “In person meetings should be subject to the needs of the applicant in order to comply with the MHRA reasonable accommodations provision.”

**Response to Comment 157:** The Department thanks you for your comment. The commenter, correctly, points out that the Department is subject to the Maine Human Rights Act. To reiterate those requirements here would be unnecessarily redundant. There was no change as a result of this comment.

**Comment 158:** Commenter 510, regarding Section 18(VI)(B), stated, “The Department should be required to inform the applicant at the assessment that they are eligible if they are indeed eligible.”

**Response to Comment 158:** The Department thanks you for your comment. The Department will seek to inform potential participants of their eligibility status as soon as possible. The 30-day window to render a decision on an application (See Section 18(IV)(D)) is consistent with other agency programs. There was no change as a result of this comment.

**Comment 159:** Commenter 510, regarding Section 18(VI)(B), stated, “The terms ‘if such a determination is appropriate’ and ‘the Department may begin providing Program services immediately, as appropriate’ are too ambiguous, imply discretion that is not allowable, and should be replaced with the terms ‘if the applicant is eligible’ and ‘the Department shall begin providing Program services immediately if the applicant is eligible.’”

**Response to Comment 159:** The Department thanks you for your comment. The language “If such a determination is appropriate, the Department and the applicant shall execute a Transportation Program Agreement at that time, and the Department may begin providing Program services immediately, as appropriate,” is clear that if the individual is eligible, the services will be issued. There was no change as a result of this comment.

**Comment 160:** Commenter 510, regarding Section 18(VI)(B), stated, “‘Transportation Program Agreement’ should be defined in the Definitions section.”

**Response to Comment 160:** The Department thanks you for your comment. A thorough description of the Program Agreement is provided in Section 18(VII)(A). There was no change as a result of this comment.

**Comment 161:** Commenter 510 stated, “[Section 18(VI)(C)]: The Department should add that the applicant will be notified of their right to show good cause for anything that is missing or any potential discrepancies that may result in the loss of benefits, additional charge, or other penalty.”

**Response to Comment 161:** The Department thanks you for your comment. Such items would likely pertain to Section 18(VI)(C)(10) “Any other matter that impacts the applicant’s Program eligibility or suitability for a service or set of services” and is covered explicitly in the decision noticing detailed in Section 18(IV)(D). All relevant “Good Cause” processes will be applied to this program. here was no change as a result of this comment.

**Comment 162:** Commenter 510 stated, “[Section 18(VII)(A)(2)]: As a matter of policy, and to be consistent with the administration of other public benefit programs for which this program’s applicants will be enrolled in, before terminating services the Department should implement a process that provides opportunity to claim good cause followed by a reasonable procedure for assessing the applicant’s good cause and circumstances.”

**Response to Comment 162:** The Department thanks you for your comment. Such matters are detailed in Section 4(III) of the ASPIRE manual. There was no change as a result of this comment.

**Comment 163:** Commenter 510 stated, “[Section 18(VII)(A)(3)(c)]: The Transportation Program Agreement should not require the applicant to commit to working 30 hours a week if they provide reason for not being able to do that, and in that case the Department should reasonably accommodate that applicant by decreasing the amount of hours required on a case by case basis.”

**Response to Comment 163:** The Department thanks you for your comment. This program is designed to provide access to sustainable employment when the barrier is transportation. To be eligible, an individual must have sustainable employment or reasonable assurance that sustainable employment can be secured within 30 days. There was no change as a result of this comment.

**Comment 164:** Commenter 510 stated, “Section 18(VII)(A)(3)(f): Instead of requiring a commitment to not engage in disruptive behavior, this rule should say ‘...to not engage in disruptive behavior intentionally and to communicate with the Department if a mental health or other condition may cause disruption of the transportation services.’”

**Response to Comment 164:** The Department thanks you for your comment. The commenter appears to be referencing accommodations required by the Americans with Disabilities Act. Such protections are already established through federal statute and reiterated in Section 2(IV)(B)(11) of the ASPIRE regulations. There was no change as a result of this comment.

**Comment 165:** Commenter 510 stated, “Section 18(VII)(A)(4)(a)]: This rule should include childcare, shopping for necessities and medical care as well as work as primary uses of the vehicle.”

**Response to Comment 165:** The Department thanks you for your comment. This program is designed to provide access to sustainable employment when the barrier is transportation. Improper uses are defined at Section 18(VII)(A)(4) and include use by other members of the household, income-producing transportation services, violations of traffic or parking laws, operating under the influence, operating the vehicle in unsafe conditions or in need of repair, and using the vehicle for illegal activities. Other considerations may be permissible as long as the vehicle is primarily used for work commute. The proposed rules do include stops at childcare providers as part of the commute to work. (See Section 18(V)(B)(2)(b) – (d) and (VI)(C)(7)). There was no change as a result of this comment.

**Comment 166:** Commenter 510 stated, “[Section 18(VII)(A)(4)(m)]: Again, the monthly premiums and payment plan should be tailored to what the applicant can afford.

**Response to Comment 166:** The Department thanks you for your comment. The monthly payments are tailored to what the household can afford. Section 18(VII)(C)(2)(a) specifies that they will be \$150 per month for households over 200

percent of the Federal Poverty Level and \$100 per month for those below. Since eligibility is contingent upon earning 30 times the state minimum wage per week (currently \$1,548 per month) such payments would be less than 10 percent of the household income. There was no change as a result of this comment.

**Comment 167:** Commenter 510 stated, “[Section 18(VII)(A)(4)(o)]: This rule should be amended to say that a vehicle will only be taken away if the applicant fails to show good cause after a good faith process of assessing the applicant’s good cause and circumstances.

**Response to Comment 167:** The Department thanks you for your comment. Section 18(VIII)(B) specifies participants’ rights to dispute decisions including the reduction or termination of transportations services (which would include a requirement to return a vehicle). Further details on Good Cause are covered in Section 4(III) of the ASPIRE regulations and are outside of the scope of this rulemaking. There was no change as a result of this comment.

**Comment 168:** Commenter 510 stated, “[Section 18(VII)(C)(2)]: See comment to subsection A. 4 (m). Rather than require \$100 monthly premium payment across the board, the Department should consider the fact that applicants are folks who are enrolled in PaS, TANF, etc. and have very low income. \$100 a month is a huge financial burden for these families. We suggest determining the payments on a case by case basis, specifically requiring a reasonable percentage of an applicant’s income, e.g. 3%. For example, a person under 50% of poverty would have a \$0 premium given their low income. A person at 51% might contribute 2% of their income; a person at 100% might contribute 3%. This way the low income families who will be applying for the Program do not have to worsen their already vulnerable financial state in order to participate in Working Cars for Working Families.”

**Response to Comment 168:** The Department thanks you for your comment. Please see the Response to Comment 166.

**Comment 169:** Commenter 510 stated, “Section 18(VII)(A)(2)]: For the same reasons regarding good cause above, this section should provide: ‘The participant fails to comply with a provision in their Agreement and after notice of good cause and opportunity to claim of good cause the participant is still found ineligible.’”

**Response to Comment 169:** The Department thanks you for your comment. Please see the Response to Comment 167. There was no change as a result of this comment.

**Comment 170:** Commenter 510 stated, “[Section 18(VIII)(A)(2)(b)]: This section should include ‘other good cause’ along with noncompliance due to mental illness or health condition. Additionally, noncompliance due to a disability or other form of good cause may last more than two weeks and it could still not be the participant’s fault. A requirement that the noncompliance be no longer than two weeks even under such circumstances is discriminatory and contradicts the Department’s legal duty to be reasonably accommodating. Therefore, the two-week language should be removed and no similar language should replace it.”

**Response to Comment 170:** The Department thanks you for your comment. Section 18(VIII)(B) specifies participants' rights to dispute decisions including the reduction or termination of transportation services (which would include a requirement to return a vehicle). Further details on Good Cause are covered in Section 4(III) of the ASPIRE regulations and are outside of the scope of this rulemaking. This program is designed to provide access to sustainable employment when the barrier is transportation. To be eligible, an individual must have sustainable employment or reasonable assurance that sustainable employment can be secured within 30 days. There was no change as a result of this comment.

**Comment 171:** Commenter 510 stated, “[Section 18(VIII)(B)]: It should be made clear in this paragraph that the list of reasons set out for appealing is not exhaustive and that the participant always has the right to appeal. Whether or not there was indeed a right to appeal may be disputed after that appeal is made, but participants need to be informed that they can always appeal any final decision or action taken by the Department.”

**Response to Comment 171:** The Department thanks you for your comment. Section 18(VIII)(B) states appeal rights apply to an application decision or a program decision. There was no change as a result of this comment.

**Comment 172:** Commenter 510 stated, “[Section 18(VIII)(B)(1)]: The last sentence in this subsection would limit the participant's right have their benefits continued pending timely appeal by stating that the participants if they violate their Agreement. This is contrary to the rules of due process and Administrative Hearings, and is an arbitrary rule just now being proposed by the Department. The participant always has the right request a hearing, and if done so within the specific time frame the participant's benefits must continue. Therefore, this last sentence should be taken out.” The commenter provided suggested language.

**Response to Comment 172:** The Department thanks you for your comment. Nothing in statute requires the continuation of benefits for this program pending a hearing. In the case of a participant likely needing to return a high value asset, it would be imprudent to allow them to retain said asset pending the hearing outcome. There was no change as a result of this comment.

**Comment 173:** Commenter 510 stated, “The Working Cars for Working Families Program was established because transportation is one of the top three barriers to employment for parents with low income”

**Response to Comment 173:** The Department thanks you for your comment. There was no change as a result of this comment.

**Comment 174:** Commenter 510 stated, “[T]hese cars are not free. I want to make that clear.” The commenter, further stated, “[T]his program does not provide people with free cars. Participants must pay three-months-worth of premium payments as a non-waivable down payment in no more than three installments. They, then, must pay 24-months-worth of premium payments before they can even have title transferred to them. Participants, also, will pay for maintenance costs and, insurance, registration, inspections,

and all applicable taxes. If they miss one payment, they are issued an overpayment according to the proposed rules, and if they miss two, the participant has to return the vehicle. The Department also has to make a preliminary determination that the participant would be able to cover all of these expenses.”

**Response to Comment 174:** The Department thanks you for your comment. There was no change suggested in the comment. There was no change as a result of this comment.

**Comment 175:** Commenter 510 stated, “[P]articipants may not sell cars for profit under this program.” The Commenter further stated, “[I]t is not true that ... the participants would be able to sell these cars for profit. According to the rules, ... the Department should pursue an intentional program violation when a participant has sold or traded the vehicle, during the program participation, without prior authorization. In fact, the seller would have to pay back a cost equal to the car’s value at the time it was provided, and intentional program violations can involve criminal prosecution for fraud depending on the facts of the case.”

**Response to Comment 175:** The Department thanks you for your comment. There was no change suggested in the comment.

**Comment 176:** Commenter 510 stated, “[P]rograms, like Working Cars for Working Families, in other states, have helped people get and maintain employment. Our legislators worked with an organization called Good Wheels Garage in developing this program. Which runs similar programs in New Hampshire, Vermont, and Massachusetts. According to a survey of the program participants in those states, in Vermont, for example, 51% of those surveyed reported a decrease in their reliance on Public Assistance due to ... receiving the vehicle, and 60% attributed achieving employment to receiving a vehicle.”

**Response to Comment 176:** The Department thanks you for your comment. There was no change as a result of this comment.

**Comment 177:** Commenter 510 stated, “[T]his program is established in law and it is not optional. In fact, it was passed by the legislature and signed into law by Governor LePage in 2017. State Statute specified that rules be adopted in the 2017-18 state fiscal year. Obstruction and delay by Governor LePage meant that Governor Mills would need to take up rulemaking that should have happened years earlier.”

**Response to Comment 177:** The Department thanks you for your comment. There was no change as a result of this comment.

**Comment 178:** Commenter 510 stated, “[O]verall, Working Cars for Working Families would disproportionately assist Mainers in rural areas who lack economic security in large part due to lack of transportation resources, and, from our experience working with families in poverty, lack of consistent and affordable transportation is one of the top three barriers to employment. Make that clear again. With reliable transportation, parents can— get to work more consistently, work more hours, and earn higher wages. It can

improve their family's wellbeing and reduce their need for Public Assistance. And, we know this from the examples that I cited above in different states."

**Response to Comment 178:** The Department thanks you for your comment. There was no change as a result of this comment.

#### **55. Commenter 511. Josh Hayward, Hayward Ventures**

**Comment 179:** Commenter 511 stated, "Identify a compelling governmental purpose. Then identify a narrowly defined Solution.

If I were to use that statement to assess what I've now heard is a \$6M plan for free cars to people on welfare, would that policy pass this litmus test?

One could say, sure it serves a purpose to provide an underserved group a means to transportation other than Linx or other methods that might be uncomfortable etc. And the solution is free cars. One could also say it takes nature totally out of the equation where the basics of working to receive are completely removed and moves to undermine all future considerations for the recipient as it pertains to their right to feeling the reward of earning something, a natural and necessary experience.

I believe policy like this directly serves to undermine our state's ability to develop a broad self sustaining population and the education system we fund so aggressively which in spite of the immense funding still requires considerable effort and ongoing hard work that each person must put forth in order for that education to bear fruit for them personally - the existence of the education system does not educated citizens make as they say. As we have proven by our own state's #'s and budget, education does not equal a move out of poverty. With each step toward total support for people in need they become more dependent. As they are given more, the majority of people will become more and more unmotivated to learn and then work and correspondingly more dependent on receiving. Most definitely the children of those in that system. It all but guarantees and ensures a perpetual welfare class living without a sense of individuality, purpose and hope to take care of themselves. They'll never know it because they'll be nurtured into the mindset of support.

That said, I totally believe in helping disabled for life, and very deeply, supportive welfare recovery programs. In fact I believe all forms should continue for 3 years after someone receives a job (doesn't currently) and not cut off immediately upon a monthly income trigger, which then leaves that person in an immediate financial crisis. I have had a sister and step sister in these situations. they'd get a job, lose support and would immediately be in trouble financially and spiritually. I've seen them cry, feel helpless etc. I get it Governor I really do. You can't be from Machias and not get it as it's all around you growing up. I see people I know through my children who struggle daily. I believe we need to give them a strong foundation financially before they are cut from support. Goodness knows in my own personal journey of recovery from alcoholism, I needed a strong foundation from which to build my life. 3 years of support after getting a job would be a huge step toward securing that foundation. And preferably a life coach



meeting with you monthly throughout that period. We can develop that program. It would work.

Governor, why wouldn't be build on my idea above and direct \$6M to fund a training / education program and align it with employers short of employees as many are today. Or use it to attract a business thinking about Maine, or a business thinking about expanding. Give out Uber credits if Linx is not a fit and so on. And on top of that why not modify our current programs to extend for 3 years from the date someone returns to full employment? Given them cars will only make them more dependent and will shift them further away from that beautiful life experience derived from the sense of having worked hard and then acquired something - like a car. This takes away the potential for them to experience that sense of earning and achievement which ultimately builds their confidence and self worth. They deserve to be treated like people who are capable and interested in taking care of themselves, not like people who we assume can't and never will.

**Response to Comment 179:** The Department thanks you for your comment. Please see the Responses to Comments 3, and 28. The proposed rules seek to strike a balance between creating a program that is specific to addressing a particular need while addressing a state-wide issue preventing eligible workers from obtaining employment. The Commenter provided several alternative ways to spend the money allocated to this program. The Department offers a number of programs that seek to address the commenter's concerns. There was no change as a result of this comment.

#### **56. Commenter 512. Jennifer Lachance**

**Comment 180:** Commenter 512 stated, "I want to go on record that I do not approve of the proposed rule for cars for working families. I am all for helping those that need it, but there has to be other (better) things this grant money could be used for. The assistance is not just gonna stop at helping pay for a car. There is going to be insurance expenses. The car is going to breakdown. They are going to need money to register the car. It's just opening up a whole new can of worms and a lot more (unnecessary) added cost for taxpayers."

**Response to Comment 180:** The Department thanks you for your comment. Please see the Response to Comment 1. There was no change as a result of this comment.

#### **57. Commenter 513. Kenneth Hinkley**

**Comment 181:** Commenter 513 asked, "What process will be used in selecting a vehicle for qualified applicants?"

**Response to Comment 184:** The Department thanks you for your comment. Please see the Response to Comment 72.

**Comment 182:** Commenter 513 asked, "Is there a cap on how much can be spent per vehicle?"

**Response to Comment 182:** The Department thanks you for your comment. Please see the Response to Comment 72.

**Comment 183:** Commenter 513 stated, “The proposed rule(s) seem to be very well written and have the necessary checks in place to minimize fraud or misuse of the program. This may be the connecting link between staying in poverty and learning to provide for themselves.”

**Response to Comment 183:** The Department thanks you for your comment. There was no change as a result of this comment.

#### **58. Commenter 514. Cynthia Bonang**

**Comment 184:** Commenter 514 stated, “This is the most ridiculous proposal that I have seen coming from the Governor of the State of Maine. We have thousands and thousands of working poor, who are not receiving any State aid, and yet the Governor wants to give vehicles to welfare recipients??? You've got to be kidding me!!!! There are members of my own family who work 40-50 hours a week just to try and make ends meet, and they struggle getting to work EVERY DAY because they drive vehicles that are on their last legs. They struggle every day to pay their bills and not go totally under financially. WHY is the State of Maine not helping those who are TRYING and WORKING their butts off to make ends meet, and instead are giving handouts to those on welfare who, at least some of them, don't even search for jobs, and could care less if they bring home a paycheck? As long as the Governor continues to give them handouts, at the expense of ALL of the legitimate tax payers in the State of Maine, these individuals will have ABSOLUTELY NO INCENTIVE to get a job and help contribute to Maine's tax base. I am ENRAGED at this proposal and can only hope that the residents of the State of Maine can stop this LUNACY.”

**Response to Comment 184:** The Department thanks you for your comment. Please see the Responses to Comments 1, 6, and 28. There was no change as a result of this comment.

#### **59. Commenter 515. Anonymous 3**

**Comment 185:** Commenter 515 stated, “This is not a program that is needed, especially at this time when many Maine businesses are shutting their doors forever due to Governor Mills' arbitrary mandates and misuse of power. Maine tax payers are hurting. We are barely making ends meet, and now Gov. Mills wants to give away cars to people who give nothing back to the STATE? Another sign of total lack of respect for the hard-working citizens of Maine. If people who are receiving welfare are not able to volunteer their time to help their community, then why do you think they will be responsible and take care of a car that they didn't earn? This is a program that is purely a pet-project, partisan misuse of power. Put it to a vote by the people and see how fast it gets shot down. Don't kick Maine people while they are down. Don't waste our money on this poorly planned program.”

**Response to Comment 185:** The Department thanks you for your comment. Please see the Response to Comments 1, 6 and 28. There was no change as a result of this comment.

**60. Commenter 516. Melissa A. Bryant**

**Comment 186:** Commenter 516 stated, “I am in support of this program. Newer cars have fewer emissions and are safer in the event of an accident, which will save lives and livelihoods as well as money. I have seen low income friends struggle to get to work due to unreliable vehicles and believe that working vehicles will be an asset to any low-income Maine family.”

**Response to Comment 186:** The Department thanks you for your comment. There was no change as a result of this comment.

**61. Commenter 517. Christine Sprague**

**Comment 187:** Commenter 517 stated, “I fully support covering downpayments for cars to assist people in need to get new vehicles. It is better to remove old and malfunctioning vehicles from the roads from both safety and environmental standpoints. It is also clearly beneficial to families, workplaces, and the economy to make it possible for members of our communities to go to jobs and appointments.

**Response to Comment 187:** The Department thanks you for your comment. There was no change as a result of this comment.

**62. Commenter 518. Mrs. Thomas**

**Comment 188:** Commenter 518 stated, “This is a ridiculous idea, with tax money that should be better spent on other issues! This is NOT fair to the hardworking people in this State Of Maine who have to get up every day, work hours of overtime to pay taxes already! We work hard to have a home, pay for our transportation to get to work, pay for child care, pay for health and auto insurance, pay gas taxes, food taxes, death taxes, property taxes, and Janet Mills and those who work with her want to basically just give a car to people on welfare?? This is very wrong and very mixed up. What does this tell those people who actually WORK for what they need? If people on welfare need to get to work, let them carpool, take a bus, or ride a bicycle. Other people do it a ll the time! Why are people on welfare getting a privilege such as this. I want to know and so do thousands of other people!!”

**Response to Comment 188:** The Department thanks you for your comment. Please see the Responses to Comments 3, 6 and 28. There was no change as a result of this comment.

**63. Commenter 519. Renée McKenna**

**Comment 189:** Commenter 519 stated, “If someone is going to get a nice, newer vehicle, then they should have to make a payment every month for 4 years or so, you know like everyone else who takes a loan out.”

**Response to Comment 189:** The Department thanks you for your comment. The rule dictates that participants will make monthly payments through the duration of program participation of 24 months. The duration of the program payments strikes an appropriate balance for program administration resources while ensuring participant commitment. There was no change as a result of this comment.

**Comment 190:** Commenter 519 stated, “They should be responsible for excise taxes, maintenance etc.”

**Response to Comment 190:** The Department thanks you for your comment. Please see the Response to Comment 33.

**Comment 191:** Commenter 519 stated, “People who are on welfare shouldn’t be given something like this and then turn around and sell it and pocket the money and just receive a slap on the wrist. Obviously, there is an abundance of corruption in the welfare program by the participants, let’s not give them more freebies and allow them s chance to make money off of it. Let’s use some common sense here”

**Response to Comment 191:** The Department thanks you for your comment. Please see the Response to Comment 32.

#### **64. Commenter 520. Laurianne Brewer**

**Comment 192:** Commenter 520 stated, “This is an absolutely horrible idea. Maine is full of hard working families, veterans and senior citizens that pay taxes. Taxes that could be spent on roads, law enforcement, education and care for our veterans, seniors and disabled. Taxes that should not be used to purchase vehicles for able bodied people, when many of Maine’s hardworking tax payers cannot afford A decent vehicle of their own. People are living paycheck to paycheck in this state and to essentially reward people who are on PUBLIC ASSISTANCE already is wrong and will further encourage others to join in the ranks. You will be sending out a beacon to many who will simply take advantage of the taxpayers of Maine. Taxpayers work to be able to affo rd a vehicle. Want is a large motivator for people..if you WANT a new vehicle you WORK HARD to get it. Able bodied people can and should work and save to purchase a vehicle or finance one on their own. This only benefits a portion of Maine residents, but costs us all. To put this in place would be nothing short of disgraceful.”

**Response to Comment 192:** The Department thanks you for your comment. Please See the Responses to Comments 6 and 28. There was no change as a result of this comment.

#### **65. Commenter 521. Jeremy Porter**

**Comment 193:** Commenter 521 stated, “As a Maine tax payer I do NOT support this program. Too many people already fraudulently abuse our welfare system and this, in my opinion, will only increase the fraud and waste and make matters worse. Not a good use of tax payer money.”

**Response to Comment 193:** The Department thanks you for your comment. Please see the Responses to Comments 6 and 17. There was no change as a result of this comment.

**66. Commenter 522. Anonymous 4**

**Comment 194:** Commenter 522 asked, “How are these cars being paid for?” The Commenter stated, “I work and earn above welfare income limits, but I can’t afford a car that falls into these guidelines. Mine is a 2015 but over that mileage and I’m paying almost 400 dollars a month for it. This program is unsustainable. I completely disagree with instituting it.”

**Response to Comment 194:** The Department thanks you for your comment. Please see the Responses to Comments 3, 6 and 28. There was no change as a result of this comment.

**67. Commenter 523. Dana Smith**

**Comment 195:** Commenter 523 stated, “This program is absurd. New or used cars, 2015 or newer, under 70k miles, and with 25mpg minimum. We are a 2 income household and we can't afford those requirements. Our vehicles both have over 250k miles on them! Your going to be giving nice cars away to people working the system. Believe me, they are out there. There are people working "Just enough" to be eligible for this stuff! It kills me that my tax dollars will be wasted on this!” The Commenter, further, stated, “Make the cars plain jane bare bone models. No frills. There should be a line on what can be available for this program.”

**Response to Comment 195:** The Department thanks you for your comment. Please see the Responses to Comments 12 and 70. There was no change as a result of this comment.

**Comment 196:** Commenter 523 stated, “You need to have a way to track if people sell these vehicles, and if they do, recover any money made off of them. You know dang well people will be doing this and forging the bill of sales! Need a way to hold them accountable.”

**Response to Comment 196:** The Department thanks you for your comment. Please see the Responses to Comments 17 and 32. There was no change as a result of this comment.

**Comment 197:** Commenter 523 stated, “I'm 100% against this program as it is currently stated. They need to pay more than \$2700 for what is obviously a \$12k plus vehicle, if not more!”

**Response to Comment 197:** The Department thanks you for your comment. Section 18(VII)(C)(2)(a) specifies that premiums will be \$150 per month for households over 200% of the Federal Poverty Level and \$100 per month for those below. The three months down payment and 24 months premium payment would total between \$2,700

and \$4,050. Eligibility is contingent upon earning 30 times the state minimum wage per week (currently \$1,548 per month) and having household earnings below 250% of the Federal Poverty Level (currently \$5,459 per month for a family of 4). Hence, the monthly payment could be anywhere from 2.5 to 10 percent of the family's monthly income. State limitation on who is eligible for this program, in 22 M.R.S. 3769-F, and statutory limitations on how TANF Block Grant funds can be spent (5 M.R.S. § 1053-B), restrict the Department from providing these supports to any family with income in excess of 250% of the Federal Poverty Level There was no change as a result of this comment.

**68. Commenter 524. Kellie Lapierre**

**Comment 198:** Commenter 524 stated, “This is so unfair to taxpayers! This state can't afford to keep giving and giving. I object loudly to this concept. Stop enabling people to be on government assistance! This will also bring in more people from other states. Get real! So disappointed in Maine's government right now!”

**Response to Comment 198:** The Department thanks you for your comment. Please see the Response to Comment 6. There was no change as a result of this comment.

**69. Commenter 525. Anonymous 5**

**Comment 199:** Commenter 525 stated, “I am very opposed to this Rule; providing cars for welfare recipients. We are not a wealthy State and can not afford additional expense. People who work can afford a vehicle and as their wages improve they can afford a better vehicle.

Most of us in Maine have always worked and even into an old age continue to work so we can have the things we need. Why should we keep working to hand out more to those who do not? I'd rather see money go to elderly who struggle every month to eat and keep warm. Do not let this pass!!”

**Response to Comment 199:** The Department thanks you for your comment. Please see the Responses to Comments 4, 6, and 28. Some Maine families are unable to attain or retain sustainable employment due to transportation barriers. This program seeks to eliminate barriers so that participants can obtain and retain employment. There was no change as a result of this comment.

**70. Commenter 526. Shane, Citizen of the State of Maine**

**Comment 200:** Commenter 526 stated, “In these troubling financial times these types of Social programs must not be enacted.”

**Response to Comment 200:** The Department thanks you for your comment. Please see the Response to Comment 12.

**71. Commenter 527. Rachel**

**Comment 201:** Commenter 527 asked, “Who is going to track this?” The Commenter stated, “People will get jobs, get their cars and quit shortly after The state can’t keep track of what’s going on now

Let’s invite folks from out of state to participate in this and then go back home

Come on people!”

**Response to Comment 201:** Please see the Response to Comment 17. There was no change as a result of this comment.

**72. Commenter 528. Robyn McCoach**

**Comment 202:** Commenter 528 stated, “This is a bad idea even for a state that can afford it”

**Response to Comment 202:** The Department thanks you for your comment. Please see the Response to Comment 12.

**73. Commenter 529. Jane Bishop**

**Comment 203:** Commenter 529 stated, “I STRONGLY disapprove of this proposed rule. Those of us who have worked very hard all of our adult lives should absolutely not pay taxes to fund this plan. It is ridiculous to provide this type of welfare so they can then turnaround and spend their paychecks on drugs, cigarettes and booze.”

**Response to Comment 203:** The Department thanks you for your comment. Please see the Response to Comment 6.

**74. Commenter 530. Melissa Albert**

**Comment 204:** Commenter 530 stated, “I am a tax paying citizen who has worked hard all my life paying my debts including my car payments to I can go to work every day. My husband has done the same since we were 15 years old. This is outrageous to squander tax paying money giving people on the state cars, that are 2015 to 2020 model cars FREE. You keep giving them everything the people on the state aid will not work towards getting off assistance. It is not my job as a citizen to work for their cars . This should have gone to vote by the people in the state of Maine. This is a solid I DO NOT APPROVE! This is wrong. My taxes from my business and my other job that I have to pay my debts should not support this bill.”

**Response to Comment 204:** The Department thanks you for your comment. The Department thanks you for your comment. Please see the Responses to Comments 6 and 28. The program is intended to remove barriers that prevent people from transitioning from being on public assistance to being employed and self-supporting. There was no change as a result of this comment.

**75. Commenter 531. Joshua D. Bickford**

**Comment 205:** Commenter 531 stated, “This is absurd! I work my butt off and don't get or want handouts. I don't want my tax money going to this program. No way!”

**Response to Comment 205:** The Department thanks you for your comment. Please see the Response to Comment 6.

**76. Commenter 532. Anonymous 6**

**Comment 206:** Commenter 532 asked, “Is she crazy ? Honestly !”

**Response to Comment 206:** The Department thanks you for your comment. There was no change suggested in the comment.

**77. Commenter 533. James D. Libby**

**Comment 207:** Commenter 533 stated, “This program sets a new precedent. Taxpayers should not be buying cars for people. I request a reconsideration of this program.”

**Response to Comment 207:** The Department thanks you for your comment. 22 M.R.S. § 3769-F requires the Department to adopt rules establishing this program. Any reconsideration of establishing the program would need require action by the Legislature and is outside of the scope of this rulemaking. There was no change as a result of this comment.

**78. Commenter 534. Tracey Benson**

**Comment 208:** Commenter 534 stated, “In a time when the state is/has been shut down, businesses are closing and jobs are being lost, I don't think spending more money is the wisest idea this state government has had. We were forced to shut down businesses and do what we could while waiting for promised unemployment funds. DURING THE SHUT DOWN, WE SAW MANY BUSINESSES SHOW THEY COULD WORK FROM HOME. Why is the state looking to increase MY TAXES for this lame feel good idea? STOP SPENDING LIKE A DRUNK FOOL.”

**Response to Comment 208:** The Department thanks you for your comment. Please see the Response to Comment 6.

**79. Commenter 535. Cynthia Swift**

**Comment 209:** Commenter 535 stated, “This proposed rule is an unnecessary burden to taxpayers and blatant attempt by the Mills administration to buy votes. The proposed rule as written would be a huge administrative burden to implement & is totally flawed. For instance, I see nothing that would prevent a recipient from submitting a pleading application of need and then quit their job after meeting the 30 day requirement. No way for the state to track their active job status. It is an insult to hard working Mainers.”

**Response to Comment 209:** The Department thanks you for your comment. Please see the Responses to Comments 3, 6 and 28. Section 18(VII)(A)(1) specifies that suitability of services needs to be reevaluated every six months or any time there is a



change in employment or transportation circumstances. The administration of the program will be conducted through a contractor, with rigorous Department oversight, funded by the afore mentioned federal TANF Block Grant funds. If the participant fails to report a job quit, that information will be obtained at the six-month review. Section 18(VIII)(A) specifies that if there is a job quit and/or fail to report a reduction in hours or earnings their participation will be terminated. If the participant is also participating in ASPIRE, a job quit is deemed as a sanctionable act. Section 18(VII)(A)(4)(o) specifies that in such a circumstance the individual will be required to return the vehicle and transfer the title back to the Department. There was no change as a result of this comment.

**80. Commenter 536. Anonymous 7**

**Comment 210:** Commenter 536 stated, “We shouldn’t be buying cars for anybody ,the working people have enough on our plates now.so many people are out of work now that the governor is keeping us on lock down for no reason. Some of the people can’t afford to buy cars or pay insurance for themselves ,but are forced to pay for the welfare people to have them not right. Were are our representatives time to come out of hiding and do your JOB .”

**Response to Comment 210:** The Department thanks you for your comment. There was no change as a result of this comment.

**81. Commenter 537. Beth Pickens**

**Comment 211:** Commenter 537 stated, “I am strongly against this program. It is a miss management of tax payers money. I have seen first hand how giving a car to someone who didn't work to pay for it turns out.”

**Response to Comment 211:** The Department thanks you for your comment. Please see the Response to Comment 12. There was no change as a result of this comment.

**82. Commenter 538. Wayne Paul**

**Comment 212:** Commenter 538 stated an issue with the program is there is no mention of any verification of the employment situation other than the submission of the application.

**Response to Comment 212:** The Department thanks you for your comment. Section 18(IV)(C) specifies that verifications will be required prior to enrollment and the consequences for not providing them. Paragraph E of the same subsection specifies that verification will be required for any factor impacting eligibility. Employment would be such a factor. Section 18(VII)(B) specifies that program eligibility will be reviewed annually, and new verifications requested. There was no change as a result of this comment.

**Comment 213:** Commenter 538 asked, “Who is responsible for the verification of the statement of the inspection mechanic when verifying the condition of the vehicle that is in the family for reliability?”

**Response to Comment 213:** The Department thanks you for your comment. Section 18(VI)(E) specifies that if these verifications are not received within 10 business days, the applicant will be denied. Since it is in the interest of the applicant that the Department receive the verifications, the responsibility will rest with the applicant. There was no change as a result of this comment.

**Comment 214:** Commenter 538 stated “No mention of drug testing is an issue with the program”.

**Response to Comment 214:** The Department thanks you for your comment. Due to P.L. 2019, ch 343, the Department is not able to require drug testing as a condition to receive TANF assistance. There was no change as a result of this comment.

**Comment 215:** Commenter 538 stated, “The title should not be presented to the recipient prior to the fulfillment of their commitment. By doing so you are transferring ownership and there would be a legal question of who owns the vehicle.”

**Response to Comment 215:** The Department thanks you for your comment. Please see the Response to Comment 27.

**Comment 216:** Commenter 538 asked, “Who will monitor the maintenance and safety of the vehicle?”

**Response to Comment 216:** The Department thanks you for your comment. Please see the Response to Comment 17.

**Comment 217:** Commenter 538 asked, “Who is liable for repairs not covered by the warranty?”

**Response to Comment 217:** The Department thanks you for your comment. Section 18(VII)(4)(k) specifies that the participant will not operate the vehicle when it is in need of repair and requires that they report the need and cooperate with the Department in arranging for the repairs. Further detail is the purview of the provider contract and individual participant Program Agreements. There was no change as a result of this comment.

**Comment 218:** Commenter 538 asked, “Is the lemon law in effect for these vehicles?”

**Response to Comment 218:** The Department thanks you for your comment. Please see the Response to Comment 80. There was no change as a result of this comment.

### **83. Commenter 539. Andrew Scott**

**Comment 219:** Commenter 539 stated, “Where does this end? Free food , heat, housing , phones , and now nice cars. I for one am tired of working my tail off to achieve my dreams only to lose money to people who abuse the system. There is a place for helping others but phones and cars are privileges not essential. You are reaching a point where the hard working people of Maine are going to simply stop paying you and stand up for our rights. We offer too many freebies in this state as it is that attracts nothing but more

non workers to come here for a free ride. If you want to spend some money here how about hiring some people to start enforcing and policing these programs to get rid of the abusers.”

**Response to Comment 219:** The Department thanks you for your comment. Please see the Responses to Comments 6, 17, and 28. Section 18 Subsections V(D)(5), and VII(C)(2)-(3) specify that participants will need to pay a down payment and monthly premiums for program vehicles. The program is intended to remove barriers that prevent people from transitioning from being on public assistance to being employed and self-supporting. There was no change as a result of this comment.

#### **84. Commenter 540. Kelly Lehoux**

**Comment 220:** Commenter 540 asked, “Are you ... kidding me right now?” The Commenter stated, “This is absolutely ridiculous.”

**Response to Comment 220:** The Department thanks you for your comment. Please see the Response to Comment 12.

#### **85. Commenter 541. Brian Stephen**

**Comment 221:** Commenter 541 stated, “I do not understand why this is even open for discussion? My wife and I drive older cars than this and pay a lot more more money monthly than this will even come close to. We pay our taxes and still have to pay more. From what I read this is a done deal and no matter what ANYBODY says it will be put into law and no one will ever honestly get a say. Sad really!!! But this is what Maine as a Government has become. Time to move on I believe.”

**Response to Comment 221:** The Department thanks you for your comment. Please see the Response to Comment 6. There was no change as a result of this comment.

#### **86. Commenter 542. Jonathan Martell**

**Comment 222:** Commenter 542 stated, “Maine can't afford this, and why should welfare recipients have new vehicles when many Mainers live day to day with vehicles older than this. There are already transportation option out there in most Maine cities. This is bad for Maine, we can't afford it, and it will only hurt Mainers. Please vote against this colossal waste of money.”

**Response to Comment 222:** The Department thanks you for your comment. Please see the Responses to Comments 3, 6, and 28. Individuals will not be eligible for this program unless transportation is not available to them and that lack is a barrier to obtaining or maintaining employment. (See Section 18(V)(B)(2)(c).) While some Maine cities have public transportation option, the majority of Maine’s population lives in rural areas<sup>3</sup>. There was no change as a result of this comment.

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<sup>3</sup> <https://www.maine.gov/dhhs/mecdc/healthy-maine/documents/oppforall/b09res.pdf> page 59.

**87. Commenter 543. Jessica P. Meek**

**Comment 223:** Commenter 543 stated, “I do not support ASPIRE Rule #25P – Working Cars for Working Families. Please stop this program. There are so many issues and I don't believe there is ever z good time... but especially not now. As a Maine citizen I do not support.”

**Response to Comment 223:** The Department thanks you for your comment. Please see the Response to Comment 12. There was no change as a result of this comment.

**88. Commenter 544. Rebecca Cummings**

**Comment 224:** Commenter 544 stated, “I DO NOT SUPPORT Aspire Rule #25P Working Cars for Working Families! Taxpayers of Maine have paid for various public transportation services and upgrades over the years and now you expect us to buy people cars?!? This is fraud, waste, and abuse of taxpayer funds and DHHS services!!! I have ZERO confidence in the Mills’ administration and I am 100% AGAINST Aspire Rule #25P Working Cars for Working Families!!!!”

**Response to Comment 224:** The Department thanks you for your comment. P.L. 2017, c. 284, the law establishing this program, was passed by the 128<sup>th</sup> Maine legislature and signed into law by, then, Governor Paul LePage in July of 2017. The program does not provide vehicles to all program participants. Section 18 Subsections V(D)(5), and VII(C)(2)-(3) specify that participants will need to pay a down payment and monthly premiums for the vehicles. In cases where other long-term solutions to transportation barriers to sustainable employment are more effective or efficient, they will be provided instead. (See Section 18(III)(A).) There was no change as a result of this comment.

**89. Commenter 545 Mark Duquette**

**Comment 225:** Commenter 545 stated, “I AM A DEMOCRAT. I DO NOT SUPPORT GIVING CARS TO PEOPLE FOR JUST ABOUT NOTHING. AS A SELECTMAN THAT DEALS WITH THE GENERAL ASSISTANCE PROGRAM I SEE A LOT OF FRAUD. I HAVE WORKED 2 JOBS FOR EVERYTHING I HAVE AS MANY PEOPLE DO AND BELIEVE OUR TAX DOLLARS WOULD BE MORE EFFECTIVE AND APPRECIATED ELSEWHERE. I AM WILLING TO ADDRESS THIS FURTHER IF SOMEONE WOULD LIKE TO CALL ME. THANK YOU”

**Response to Comment 225:** The Department thanks you for your comment. Please see the Responses to Comments 12 and 28. There was no change as a result of this comment.

**90. Commenter 546. Wendy Hansen**

**Comment 226:** Commenter 546 stated, “I disagree totally with this program as it is just another way to allow people to take advantage of free things from Maine. There is no accountability at the end either. The vehicle no matter the value is given after a certain

amount of monthly payments. The payments are used to maintain the vehicle so it is free. Children will be allowed to drive and then the promise of ‘Of course I won't drink and drive’, etc. The tax payers are funding this like all the other free things people sign up for in Maine. I listened to some of the comments on line and they all have valid points but this never should have been put forth in the first place. We are being forced to endure a pandemic and monies are short. Why are cars being given away! There are buses that can be used for this same purpose. It already works for shopping etc. They find a way to take care of any children in order to use the buses.”

**Response to Comment 226:** The Department thanks you for your comment. Section 18 (VII)(C)(2)(a) requires a down payment and monthly premium payments from program participants eligible for a program vehicle. Please see the Responses to Comments 4, 6, 11, 28, and 100. There was no change as a result of this comment.

#### **91. Commenter 547. Christine Heath**

**Comment 227:** Commenter 547 stated, “I am sending this to write in my vote to condemn this action. This is the most irresponsible action of our state. A waste of money and an insult to the people of Maine. So, NO NO NO!”

**Response to Comment 227:** The Department thanks you for your comment. Please see the Response to Comment 12.

#### **92. Commenter 548. Anonymous 8**

**Comment 228:** Commenter 548 stated, “I am so outraged at Maine having no money and the foolish things they are spending it on. Giving people a car on welfare is so ridiculous. Look how well they take care of their stuff that we the tax payers have had to give them. They don't want to work, those that want to work will find a way.. Those cars will be destroyed in no time and they will not be doing the up keep. I'm tired of Mills wasting our money. I have always had to work for what I have, my parents didn't buy me a car, I worked and earned my own and paid for my insurance and gas and repair. Go check out the houses that you give them. They sure don't take care of those.”

**Response to Comment 228:** The Department thanks you for your comment. Please see the Responses to Comments 6 and 28. Section 18 Subsections V(D)(5), and VII(C)(2)-(3) detailed the requirements that program participants must meet for receipt of a program vehicle. All program participants will have services provided which are determined most effective and efficient. (See Section 18(III)(A).) Section 18, subsection VII(A)(4), and (C)(1) specify that the individual properly maintain the vehicle. There was no change as a result of this comment.

#### **93. Commenter 549. Elizabeth D. Jones**

**Comment 229:** Commenter 549 stated, “What is so much different now than 60 years ago? I raised 3 kids by myself with no help from the state or their father for the first 5-6 yrs of their lives. In order to qualify for a piddling amount of state aid, you had to be legally separated for 6 mos. Who could survive that long. Well I did and no one bought me

anything. My children are contributing citizens and I never got a dime from anyone.” The commenter indicated that the proposed rule was nonsense.

**Response to Comment 229:** The Department thanks you for your comment. There was no change as a result of this comment.

#### **94. Commenter 550. Gale Hill**

**Comment 230:** Commenter 550 stated concern with, “Clarification needed between Draft Rule requiring issue of Title within 30 days vs. RFI requiring within 90 days”

**Response to Comment 230:** The Department thanks you for your comment. Please see the Response to Comment 94.

**Comment 231:** Commenter 550 stated concern with, “Clarification of catalyst action for title to be issued; when participant receives vehicle after 3 premium payments equaling \$300 or at graduation of program after all premium payments equaling \$2700”

**Response to Comment 231:** The Department thanks you for your comment. Please see the Response to Comment 94.

**Comment 232:** Commenter 550 stated concern with, “Clarification needed between Draft Rules statement that participant is responsible for vehicle maintenance and insurance vs RFI statement that the premium payments of \$2700 from the participant is to be held in a fund to assist participant with vehicle maintenance and insurance costs essentially making the vehicle free to the participant.”

**Response to Comment 232:** The Department thanks you for your comment. Please see the Response to Comment 100.

**Comment 233:** Commenter 550 stated concern because, “There is no language in RFI stating the dispersal manner of any residual funding if any results from holding the premium payments in an account. Do the residual funds return to the participant, stay in the account to assist other participants, or be used as partial compensation to the State for purchase of the vehicles?”

**Response to Comment 233:** The Department thanks you for your comment. The specifics of the RFP and any subsequent contracts are outside of the scope of this rulemaking. There was no change as a result of this comment.

**Comment 234:** Commenter 550 stated concern because, “There is no language stating the participants must retain the vehicle for any specified length of time after the graduation from program.”

**Response to Comment 234:** The Department thanks you for your comment. Please see the Response to Comment 32.

**Comment 235:** Commenter 550 stated concern because, “There is no language stating any repercussions should anyone other than participant drive vehicle and damage it in any type of accident or receive any vehicular violation.”

**Response to Comment 235:** The Department thanks you for your comment. The limitation on drivers can be found in Section 18(VII)(A)(4)(c). The repercussion of program termination is in Section 18(VIII). There was no change as a result of this comment.

**Comment 236:** Commenter 550 stated concern because, “Given the current poor financial situation of the State of Maine due to the Covid -19 pandemic the cost of implementing ASPIRE #25P at this time will provide undue hardship for the taxpayers of Maine.”

**Response to Comment 236:** The Department thanks you for your comment. Please see the Response to Comment 6.

**95. Commenter 551. John Keizer**

**Comment 237:** Commenter 551 stated, “I don’t think that state will be able to effectively run this program. If someone can barely afford a car, there is no way they can afford the insurance, repairs and gas that come with it. I also find it will be increasingly difficult for the state to determine who should be eligible for the vehicles. This is a poor decision that will not play out that way it is expected to. Learned helplessness is a true thing and this will only encourage it more.”

**Response to Comment 237:** The Department thanks you for your comment. Please see the Responses to Comments 1 and 28. There was no change as a result of this comment.

**96. Commenter 552. John Tilton**

**Comment 238:** Commenter 552 stated, “Another rip-off by the Democrats. People should work for a car. A 2015 or newer, \$10,000 car is ridiculous. Many people are driving much older cars, worth much less than \$10,000.”

**Response to Comment 238:** The Department thanks you for your comment. Please see the Responses to Comments 3, 6, 28, and 70. There was no change as a result of this comment.

**97. Commenter 553. Denise Garnett**

**Comment 239:** Commenter 553 stated, “I am not in favor of the welfare car program. This program is a waste of our tax dollars and is totally absurd. The program has faulty checks and balances. You can help welfare recipients in many other ways than giving them cars. Do not allow this program to be pushed through.”

**Response to Comment 239:** The Department thanks you for your comment. Title 22 M.R.S. § 3769-F requires the Department to adopt rules establishing this program. The Department runs a number of programs that seek to provide assistance to the

public in other ways, but the law establishing this program is very specific. It specifies that the program's purpose is to help eligible families retain sustainable employment by providing them with access to reliable, affordable transportation. It further specifies that the program be funded with federal TANF block grant funds accrued prior to fiscal year 2017-18. This funding limitation is reiterated within the rule at Section 18(III)(C). Section 18(V)(E) specifies that at application each factor impacting program eligibility will be verified. Section 18(VII)(B) states that this verification process will be repeated at least annually. Section 18(VII)(A)(1) and (3)(e) specifies that participants will need to meet monthly with the provider for the first six months of participation and every 6 months after that and more frequently if there is a change in employment or transportation circumstances. Further detail on checks and balances can be found in Section 4 of the manual which is outside of the scope of this rulemaking. There was no change as a result of this comment.

**98. Commenter 554. Anonymous 9**

**Comment 240:** Commenter 554 stated, "I see a great potential for fraud, waste, and abuse with this program...especially when the Mills' administration is operating in the negative and departments are being asked to cut 10% from their budgets. I don't believe Maine has the funds or personnel to implement this program!!!"

**Response to Comment 240:** The Department thanks you for your comment. Please see the Responses to Comments 6 and 17. The Department has made every effort to strike a balance between program integrity and program access. The program is intended to remove barriers that prevent people from transitioning from public assistance to being employed and self-supporting. The program will be administered by a contractor paid by the afore mentioned TANF Block Grant funds. There was no change as a result of this comment.

**99. Commenter 555. Steven Hartley**

**Comment 241:** Commenter 555 stated, "As a new car dealer I'm very strongly against this program. I do not want my tax dollars spent this way. As written this program is loaded with possible corruption. With the condition of this states finances, The state needs to spend money on other needed programs. NOT pandering to a select few"

**Response to Comment 241:** The Department thanks you for your comment. Please see the response to Comment 6.

**100. Commenter 556. Anonymous 10**

**Comment 242:** Commenter 556 asked, "Are applicants required to show proof of legal U.S. citizenship to qualify for this program? If not, why?"

**Response to Comment 242:** The Department thanks you for your comment. Please see the Response to Comment 133. The change is listed below in the List of Changes to Final Rule.



**Comment 243:** Commenter 556 asked, “Is there a minimum residency requirement in Maine prior, during, or after applying. If not, why?”

**Response to Comment 243:** The Department thanks you for your comment. Maine cannot restrict benefits based on the amount of time an otherwise eligible individual has considered Maine their residence. Such attempts to restrict access have been struck down in a number of lawsuits including *Shapiro v. Thompson* (1969), *Zobel v. Williams* (1982), and *Saenz v. Roe* (1999). There was no change as a result of this comment.

**101. Commenter 557. Anonymous 11**

**Comment 244:** Commenter 557 stated, “There is a significant lack of clarity in the RFP.”

**Response to Comment 244:** The Department thanks you for your comment. Please see the Response to Comment 233. There was no change as a result of this comment.

**Comment 245:** Commenter 557 stated, “The rule should require that vehicles be sourced from Maine based dealerships.”

**Response to Comment 245:** The Department thanks you for your comment. Please see the Response to Comment 104. There was no change as a result of this comment.

**Comment 246:** Commenter 556 stated, “The financial participation of program recipients should be increased, potentially over time (to coincide with the increased earning potential brought by access to a reliable vehicle) and amounts paid by recipients should not be 'escrowed' for their own excise taxes, maintenance etc. for the vehicles.”

**Response to Comment 246:** The Department thanks you for your comment. Please see the Response to Comment 197. There was no change as a result of this comment.

**102. Commenter 558. Nathan Leach**

**Comment 247:** Commenter 558 stated, “This is a completely unjustifiable income redistribution scheme. The state government has no business giving cars away, regardless of the "need" for them. The money to operate this and other giveaway schemes comes from hard-working taxpayers. This is not what you've been elected to do!”

**Response to Comment 247:** The Department thanks you for your comment. Please see the Responses to Comments 3, 6, and 28. There was no change as a result of this comment.

**103. Commenter 559. Nancy Clark**

**Comment 248:** Commenter 559 stated, “Why now? Why go forward with this now? During a time of financial instability in the state and in the country, isn't it an overreach to think the State of Maine can afford this program now? Heck, we're running in the red now! Thanks to Governor Mills & her constant spending.”

**Response to Comment 248:** The Department thanks you for your comment. Please see the Response to Comment 14. There was no change as a result of this comment.

**104. Commenter 560. Anonymous 12**

**Comment 249:** Commenter 560 stated, “I do not believe you have the financial or personnel resources to implement this program!”

**Response to Comment 249:** The Department thanks you for your comment. Please see the Responses to Comments 6 and 240. There was no change as a result of this comment.

**Comment 250:** Commenter 560 asked, “What happens if the car is driven or wrecked by an unauthorized user?”

**Response to Comment 250:** The Department thanks you for your comment. Section 18(VIII)(A)(2) specifies that any violation of the Agreement (including allowing unauthorized drivers to drive the vehicle) will result in termination from the program. Section 18(VII)(2) specifies that failure to comply with the agreement (including allowing unauthorized drivers to drive the vehicle) may result in an intentional program violation and overpayment. An Intentional Program Violation would render the individual ineligible for a number of benefits provided through other public assistance programs. The specifics of such ineligibility are detailed within the respective regulations of each program. Section 18(VII)(A)(4)(o) specifies at that time the participant would need to return the vehicle. Section 18(VII)(C)(4) specifies that if the participant does not return the vehicle they will be charged with an Intentional Program Violation and an overpayment assessed in the amount of the estimated value of the vehicle at the time of transfer. There was no change as a result of this comment.

**Comment 251:** Commenter 560 asked, “Are tax payers refunded if the car receipt sells the car?”

**Response to Comment 251:** The Department thanks you for your comment. Please see the Response to Comment 32. There was no change as a result of this comment.

**Comment 252:** Commenter 560 asked, “Will car recipients/households still receive discounted or free bus fare?”

**Response to Comment 252:** The Department thanks you for your comment. Under this program, the rule specifies that the most effective and efficient method to achieve the goal of providing long-term transportation solutions will be used, including public transportation or shuttle services. There was no change as a result of this comment.

**Comment 253:** Commenter 560 asked, “Who pays for parking? Impound fees if towed/stored? Maintenance fees? Insurance?”

**Response to Comment 253:** The Department thanks you for your comment. Section 18(VII)(C)(1)(a) specifies that the participant must be able to cover all costs of

vehicle ownership without Department assistance. If the vehicle needs to be impounded, the participant would be in violation of their Agreement (see Section 18(A)(4)(e)), would be terminated from the program and would have to return the vehicle. (Please see Section 18(VIII)(A)(2) and (VII)(A)(4)(o)). There was no change as a result of this comment.

**105. Commenter 561. Anonymous 13**

**Comment 254:** Commenter 561 stated, “If the phone line is silent, why not read some of the e-mailed comments? Online comments?”

**Response to Comment 254:** The Department thanks you for your comment. This comment appears to be related to the hearing process, not the rulemaking. There was no change as a result of this comment.

**106. Commenter 562. Tina Courtway**

**Comment 255:** Commenter 562 asked, “You have to be joking right? There isn’t a way to make sure these people don’t sell these cars. How do you keep track of them? Why is it they can have a new car at almost no cost, but hard working people can’t? The cars can be bought anywhere? So Maine dealerships lose there too? They have the title in 90 days? Seriously? Those cars are as good as gone. And that’s not welfare fraud, that is THEFT! This whole program is a waist of taxpayers money. There are better uses.”

**Response to Comment 255:** The Department thanks you for your comment. Please see the Responses to Comments 17, 28, 32, and 104. Title 22 M.R.S. § 3769-F specifies that participants be eligible for TANF-funded programs and that this program be funded with federal TANF block grant funds accrued prior to fiscal year 2017-18. This funding limitation is reiterated within the rule at Section 18(III)(C). The participant limits established in State law (Title 22, Subtitle 3, Part 3, Chapter 1053-B) do not allow the Department to offer this support to families that have income above 250 percent of the FPL. There was no change as a result of this comment.

**107. Commenter 563. Janeen Feero, Penquis**

**Comment 256:** Commenter 563 asked, “If an adult in the household has a vehicle but will not let the applicant use it, will you accept a letter from the vehicle owner to attest to this? Will this letter let the applicant become eligible?”

**Response to Comment 256:** The Department thanks you for your comment. Please see the Response to Comment 146. There was no change as a result of this comment.

**Comment 257:** Commenter 563 asked, “Will DHHS provide or facilitate transportation for the applicant to attend the in-person meeting once per month for the 6 months required?”

**Response to Comment 257:** The Department thanks you for your comment. The Department anticipates that the transportation supports provided as part of this program would enable the participant to attend the in-person meetings. If not, arrangements could be made as part of the Program Agreement or the participant

could claim Good Cause under Section 4(III). There was no change as a result of this comment.

**Comment 258:** Commenter 563 asked, “Can you explain the reasoning around the applicant not being able to use the vehicle for a job/volunteer position that would pay them mileage?”

**Response to Comment 258:** The Department thanks you for your comment. Please see the Response to Comment 137. There was no change as a result of this comment.

**Comment 259:** Commenter 563 asked, “Are we reading this correctly that the program is for TANF and PaS beneficiaries as well as those who may not be receiving the benefits yet but who are eligible for Alternative Aid? (Basically can TANF eligible but not active TANF participants participate in any way?) Or must they become a TANF participant first? If eligible non-TANF participants are allowed into the program, the number of potential participants is significantly higher and there are significant concerns on where to focus resources – either on the transportation/ride portion or the car ownership portion of the RFP.”

**Response to Comment 259:** The Department thanks you for your comment. Title 22 M.R.S. 3769-F specifies that this program is available to families eligible for Alternative Aid. Section 18(III)(A) specifies that the most effective and efficient support will be provided on a case by case basis. The vendor operating the program will provide the appropriate supports for each family based on the participant’s assessment. Section 18 (III)(C) addresses funding and how the Department must respond when program resources are reduced or depleted. There was no change as a result of this comment.

**Comment 260:** Commenter 563 asked, “What if their income is over the 250% of poverty during the program- do we take the car back?”

**Response to Comment 260:** The Department thanks you for your comment. Please see the Response to Comment 68. There was no change as a result of this comment.

**Comment 261:** Commenter 563 asked, “Is this program meant to:

- o Provide temporary transportation as a pathway/temporary measure while the participant becomes eligible to own a car
- o Or to provide both transportation separately from car ownership (can be unconnected)
- o Or is the emphasis on one over the other? Ownership is more critical vs. Transportation Services.”

**Response to Comment 261:** The Department thanks you for your comment. The program is meant to provide the most effective and efficient long-term solution to transportation barriers to employment. (See Section 18(III)(A).) The vendor operating the program will determine individual program participant’s needs and transportation solution through the assessment process which is required in Section 18 (VI) of the proposed rule. There was no change as a result of this comment.

**Comment 262:** Commenter 563 asked, “How much say does a participant have in the transportation needs assessment? For example, there may be a nearby bus route or other alternative, but after an explanation, a personally owned car is deemed the most logical due to scheduling of work, etc.”

**Response to Comment 262:** The Department thanks you for your comment. Section 18(IV)(A) specifies flow of the determination process. It states that the Department will make a determination of eligibility for enrollment based on the criteria in Section 18(V) (which includes the availability of public transportation) prior to scheduling the assessment detailed in Section 18(VI). Therefore, if an applicant has accessible and practical public transportation, they would not be eligible for a program vehicle. There was no change as a result of this comment.

**108. Commenter 564. Shelley McGowan**

**Comment 263:** Commenter 564 stated, “Please as a tax payer of Maine I am asking you to stop the Cars for Welfare Recipients program. Our State can not afford to give yet another freebie to welfare recipients. I do not appreciate the misuse of my tax dollars.

I grew up poor and was never given a hand out and am now gainfully employed and supporting a family. People need to earn things in life not be handed everything for "free". This is what our country is founded on hard work and the result of that hard work.

Middle class people are out of jobs, small business are closing and the governor wants to give away cars to people who have not earned them? This makes no sense. It is especially offensive that she is passing laws during the COVID-19 pandemic. She should passing laws behind closed doors and behind peoples' backs.

**Response to Comment 263:** The Department thanks you for your comment. Please see the Responses to Comments 6 and 28.

**109. Commenter 565. Robert Deschambeault**

**Comment 264:** Commenter 565 requested, “Please do not allow this poor bill to become law. There are many problems with this bill. This is ripe for fraud and misuse. I consider it a major waste of taxpayer funds.”

**Response to Comment 264:** The Department thanks you for your comment. Please see the Responses to Comments 10, 12, 17, 28 and 53. There was no change as a result of this comment.

**110. Commenter 566. Kelly Cummings**

**Comment 265:** Commenter 566 stated, “I am absolutely 100% against the bill, ‘working cars for working families’ that Janet Mills and her clan have concocted and are trying to pass. This is sickening to all of us hard working people that cannot even afford a car as new as the ones she is giving away. Especially when they are going to be given the title with 90 days and there are no stipulations keeping them from selling the car. What makes her

think that people can afford to take care of a car when they cant even buy one. There is a lot of preventive maintenance required on vehicles. I want this bill stopped now!!!

If Mills wants to give people free cars than she can do it with her own person money, not mine.”

**Response to Comment 265:** The Department thanks you for your comment. Please see the Responses to Comments 1, 12, 28, and 32. Section 18 Subsections V(D)(5), and VII(C)(2)-(3) specify that participants will need to pay a down payment and monthly premiums for program vehicles. There was no change as a result of this comment.

**111. Commenter 567. Tera Day**

**Comment 265:** Commenter 567 stated, “This is insane. Where is their incentive to work if you keep giving them everything for free? Not fair to the working people of Maine ... working 2-3 jobs but paying their own way!!!

Time for welfare to stop making it so easy for people to sit ... and get free [stuff]!!!”

**Response to Comment 266:** The Department thanks you for your comment. Please see the Response to Comment 28. Section 18 Subsections V(D)(5), and VII(C)(2)-(3) specify that participants are required to pay a down payment and monthly premiums for the vehicles. There was no change as a result of this comment.

**112. Commenter 568. Chelsea Tripp**

**Comment 267:** Commenter 568 stated, “I think there could be potential with this program but it has been pushed through far too quickly with far too little input from Maine legislators and the public. There are many problems with this program the way it is currently written and it can easily be taken advantage of by those participating in the program. If people, no matter the amount, take advantage of the problems with this program, it will cost Maine a lot of money, which should be especially concerning given the projected shortfalls in the Maine budget for the next couple of years. I implore you to reject this program and send it back to the drawing board to be reworked into a viable program with rules and regulations that are fair and can be easily upheld.”

**Response to Comment 267:** The Department thanks you for your comment. Please see the Responses to Comments 6 and 61. There was no change as a result of this comment.

**113. Commenter 569. Anonymous 15**

**Comment 268:** Commenter 569 stated, “Is this true?????? Gov. Mills is about to sign off on a bill that will buy cars for Mainers who receive welfare benefits??” The Commenter stated, “If this is so, she and everyone is more off their rockers than I though I’d ever live to see. I just retired and I worked all my life to receive anything I ever got. I didn’t have much but I never expected any kind of hand out either. If this is true, it absolutely makes me want to vomit on her head!!!!!!”

**Response to Comment 268:** The Department thanks you for your comment. Please see the Responses to Comments 12 and 28. There was no change as a result of this comment.

**114. Commenter 570. Robert Kittredge**

**Comment 269:** Commenter 570 stated, “I am a small business Owner and think this is a bad idea I plan on voting for Sue Collins and Paul Lepage.”

**Response to Comment 269:** The Department thanks you for your comment. Please see the Response to Comment 12. There was no change as a result of this comment.

**115. Commenter 571. Kelly Hansen**

**Comment 270:** Commenter 571 stated, “Please do not support the bill from Janet Mills, to give people on welfare a new vehicle. It’s absolutely absurd. There is no incentive for these people On Welfare to want to better them selves if the state provides them with nice things , that the working people can not even afford. Our previous governor proved that by Lessing welfare, people went and found jobs, and made them selves better people. We must start holding people accountable for their actions, to want to strive to make them selves better. Nothing is appreciated when it is given and not earned. Please do not pass this bill!”

**Response to Comment 270:** The Department thanks you for your comment. Please see the Responses to Comments 28 and 53. Section 18 (VII) specifies criteria for vehicle delivery which includes down payments and monthly premium payments. Program participants not eligible for program vehicles will have other transportation supports and services provided which are determined more effective and efficient. (See Section 18(III)(A).) There was no change as a result of this comment.

**116. Commenter 572. Wanda Hale**

**Comment 271:** Commenter 572 stated, “I am appalled that this proposal is even being considered. Working in a hospital I see the Main Care patients that take advantage of this program. Indeed, have seen people from outside the state come here to ‘enjoy’ the benefits for the poor. Increased ‘babysitting’ has to be done in hospitals because of the lack of mental health care and help with addiction issues. At the same time we have our senior citizens needing more help with the prices of food, housing, lack of assistive care when needed! These are the people that have worked for YEARS for this state. There must be more promotional things that could be done for the state than this. How about giving people a tax break when they’ve lived in the state for so many years and are entering retirement? How about making this a state that people want to retire to instead of not retiring here because it is so tax heavy? How about bringing businesses here that will help make us grow? But no, our leaders want to put more burden on the taxpayers by giving more to the poor. This was apparent when people got their extra bonus from government, did i they pay bills? A lot did not. Their kids still went hungry while more drugs and adult play toys were purchased.

This is only a quick note of my thoughts on this but I am a ‘close to retiring’ working member of this state for over 50 years. I do not begrudge those that need help but I have seen, and am seeing many areas that we should start cleaning up and making others as responsible as the working class is.”

**Response to Comment 271:** The Department thanks you for your comment. Please see the Responses to Comments 4, 6, 15, and 28. There was no change as a result of this comment.

**117. Commenter 573. Anonymous 16**

**Comment 272:** Commenter 573 stated, “This is the worst idea I have ever heard of coming from a so called sane responsible person. Stop this before it’s too late. Governor Mills is trying to destroy our state!”

**Response to Comment 272:** The Department thanks you for your comment. Please see the Response to Comment 12. There was no change as a result of this comment.

**118. Commenter 574. Suzanne Craig**

**Comment 273:** Commenter 574 stated, “The poorly conceived ‘working cars for working families’ program should not be implemented during such uncertain budget times for the State.”

**Response to Comment 273:** The Department thanks you for your comment. Please See the Response to Comment 6.

**Comment 274:** Commenter 574 stated, “A hand up is to be commended but a hand out never works. There are more efficient ways to insure transportation to welfare recipients. How someone on welfare can afford all the associated costs of having a car escapes me. Gasoline, regular maintenance, unexpected repairs, and insurance are costs are too burdensome.”

**Response to Comment 274:** The Department thanks you for your comment. Please see the Responses to Comments 1, 3, 28 and 270. There was no change as a result of this comment.

**Comment 275:** Commenter 574 stated, “The penalties for abusing the program are too weak and will not be enough of a restraint”

**Response to Comment 275:** The Department thanks you for your comment. Section 18(VII)(A)(2) specifies that noncompliance with the program may result in termination from the program, an Intentional Program Violation (IPV), and an overpayment. An IPV would make them ineligible for a number of Departmental benefits, with the specifics being defined in each program’s regulations. There are additional penalties, if it is prosecuted as welfare fraud. (See Title 22 M.R.S. § 3182). There was no change as a result of this comment.

**Comment 276:** Commenter 574 requested that the Department “Please abandon this plan.”



**Response to Comment 276:** The Department thanks you for your comment. Please See the Response to Comment 12.

**119. Commenter 575. Jodie Logan**

**Comment 277:** Commenter 575 stated, “I want to voice my strong opposition to “working cars for working families”. I’m sure you’ve heard multiple reasons why people would not want this to go through and I will not reiterate them. I do, however, want to let you know that I’m opposed to this.”

**Response to Comment 277:** The Department thanks you for your comment. Please See the Response to Comment 12.

**120. Commenter 576. Meredith Toumayan**

**Comment 278:** Commenter 576 stated, “Please add my name to the list of those opposed to this bill. It is not sufficiently hammered out to function effectively. Better to subsidize bus service, create more special taxis.

This program is rife for abuse. Outrageous!”

**Response to Comment 278:** The Department thanks you for your comment. Please see the Responses to Comments 3, 10, 28, 53. This public comment period is the opportunity for the public to provide input. There was no change as a result of this comment.

**121. Commenter 577. Anonymous 17**

**Comment 279:** Commenter 577 stated, “I would like to start off by saying that as a Mainer, I am fully against buying people on welfare a vehicle. There are plenty of other resources the people on welfare receive, and collect, and they have plenty of resources to get to and from.

I am ashamed that Sara Gideon, and our "Governor" Mills, has made a decision that, that is where money should be going and pushing it through during a pandemic. While the ‘Governor’ has kept maine shut down. I am a hard working 28 year old, single mother of one, a tax payer, and a home owner. I have had to work through this pandemic, as an ‘essential employee’ on the front lines as a nurse. Governor mills has decided to keep having others bail us out of financial problems during this time, and thinks this is the ‘best’ thing we as a state should be putting money too. I HIGHLY disagree. As a nurse, I am ashamed that people on welfare, get to sit home and rake in every benefit possible when some of them are my age, and decide that's the best ‘career path’ when they are more than able to go out and have a job and work and sit on social media complaining about ‘how hard they have it’. I am ashamed that governor mills, and sara gideon, have decided that instead of giving back to the people who have kept working and putting not only their LIVES at risk, but their families, and their loved ones, who WERE NOT able to stay home, and make more than most of their paychecks on unemployment to help buy people on welfare a vehicle when most of us essential workers have received absolutely

nothing during this time, or any other time before this. All this is doing is showing these people on welfare that their lives are more valuable than the people who make that income for them by giving them more handouts, and more reason to not get out to work. 'The vehicle would help with getting a job' there are plenty of transportation in most areas if that person wanted to work. Governor Mills, needs to start thinking about the WORKING class citizens who do not get handouts, and work their butts off and get told 'you make too much for any help what so ever' and the WORKING citizens who are BARELY scraping by even with a decent paying job, before we decide to give out any more handouts to people on welfare. It is an embarrassment to see that this is what our 'governor' has decided to do during an 'epidemic'.

I have been refused any type of help. When I have tried, it was healthcare FOR MY DAUGHTER ONLY and was denied because I have worked for my life and have worked hard for my life. As a Mainer, buying a vehicle for people on welfare is just absurd and a complete mockery of the hard working Mainers. Start thinking of helping the nurses, and drs, and other medical staff, and essential workers during this time instead of thinking this is how your going to be re-elected.

Thank you for taking the time to read my email. Hopefully you'll take it into consideration, and start realizing that there are hard working Mainers who deserve to be treated better, and deserve a little slack once in a while, instead of the people who already have everything handed to them from the state because there are a lot of us, that need to start thinking about them and instead of thinking about how much more of us, have to give that we haven't already."

**Response to Comment 279:** The Department thanks you for your comment. The commenter expresses concern, several times, with the timing of the rulemaking. Please see the Response to Comment 14.

The commenter makes reference to other ways to get to work. To the extent that there are other options for a particular family, they would not be eligible for this program. (See Section 18(B)(2).)

The commenter makes reference to participants sitting home and not working. Please see the Response to Comment 28.

Please see the Response to Comment 270.

The commenter states there are other ways this money could be used, specifically as it relates to people who exceed the income guidelines for government assistance. Please see the Response to Comment 15.

The commenter makes mention of people needing to give more to fund this program. Please see the Response to Comment 6.

The commenter references various benefits provided under the federal CARES act and various executive orders that have been made this year, all of which are outside of the scope of this rulemaking. There was no change as a result of this comment.

**122. Commenter 578. Anonymous 18**

**Comment 280:** Commenter 578 stated, “Free phones, free health care, free food, free rent.....no wonder people don't want to ... get a job ....

Now free cars ??!?! So they can go to work ??!?! ... let them earn it instead of looking to the taxpayer to get by lijr the rest of us did.....

NO CARS FOR FREELoadERS !!!!!!!

...

No way !!!!!!!”

**Response to Comment 280:** The Department thanks you for your comment. Please see the Responses to Comments 3, 12, and 28, and 270. There was no change as a result of this comment.

**Comment 281:** Commenter 578 stated, “Who's going to buy the gas? Pay for insurance ? Repairs ?”

**Response to Comment 281:** The Department thanks you for your comment. Please see the Response to Comment 100.

**123. Commenter 579. Ashley Griffin**

**Comment 282:** Commenter 579 stated, “The car program proposed by the Governor is absolutely appallingly. This is a rushed project in the middle of a global pandemic. There are so many other things the Governor should be caring about besides giving away cars. Most hard working families cannot afford a car thats from 2015 or newer but yet let's give them away to a select few. What a stab in the back to people that work so hard everyday to provide for their families. There aren't any programs that help families that are just above the ‘poverty’ line that qualifies them for help and they are struggling to keep their heads above water. I'm deeply saddened by this and makes me wish that more people would speak out about all the money our Governor wants to give away.”

**Response to Comment 282:** The Department thanks you for your comment. Please see the Responses to Comments 12, 15, 28, and 270. There was no change as a result of this comment.

**124. Commenter 580. Missy Jordan**

**Comment 283:** Commenter 580 stated, “I am writing to you today in extreme opposition of the Working Cars for Working Families program. Besides the fact that I’m against additional welfare in general, NOW IS NOT THE TIME for our state government to be spending additional money with a pandemic and giant budget shortfall looming.

I, myself am a state of Maine employee being asked to cut budgets for statutorily mandated and important programs because of the budget shortfall. This budget crisis will

not only negatively impact the industries I serve, it could cost me my job. Please explain to me why I need to cut my budget and potentially my livelihood so you can enact and fund another welfare program??!!

I am also a small business owner who has been impacted negatively by COVID-19 but have yet to qualify for or apply for any funding programs.

I have owned many vehicles in my life- know how I bought them?? HARD WORK. Budgeting finances. Making sacrifices in other parts of my life to make sure I could get to work and better myself. I beg you please do not ignore the massive shortfalls already happening in our state budget to put vital funding towards a new welfare program.”

**Response to Comment 283:** The Department thanks you for your comment.

Please see the Responses to Comments 6, 14, 15 and 28. There was no change as a result of this comment.

**125. Commenter 581. Hope Ricker**

**Comment 284:** Commenter 581 stated, “I am writing in opposition of this program being put into place at a time when we are in a budget crisis already. I have always had to work for everything that I have as have the rest of my family and I am in opposition of giving more handouts to people that have not worked to earn it. Other state agencies are asked to make cuts at this time it is not an appropriate time to be funding a new program on the back’s of the taxpayers of Maine. Definitely a bad time to put in a new program and ask for funding.”

**Response to Comment 284:** The Department thanks you for your comment. Please see the Responses to Comments 6, 14, 15, 28. Section 18 Subsections V(D)(5), and VII(C)(2)-(3) specify that participants will need to pay \$2,700 to \$4,050 for the vehicles. There was no change as a result of this comment.

**126. Commenter 582. Sharon Nichols**

**Comment 285:** Commenter 582 stated, “I oppose this new program.”

**Response to Comment 285:** The Department thanks you for your comment. Please See the Response to Comment 12.

**127. Commenter 583. [REDACTED]**

**Comment 286:** Commenter 583 stated, “Although I understand the goal with this program I have to strongly disagree. As an addict in recovery and a former recipient of welfare I believe you are making a huge mistake. I am in total disagreement with this for several reasons. I understand today is the deadline to express such concerns and I would like to express mine. People who are given hand-outs versus hand-ups are rarely ever successful.”

**Response to Comment 286:** The Department thanks you for your comment. Please see the Responses to Comments 12 and 28. Section 18 Subsections V(D)(5), and VII(C)(2)-(3) specify that participants will need to pay a down payment and monthly premiums for program vehicles. There was no change as a result of this comment.

**128. Commenter 584. Elizabeth Soisson**

**Comment 287:** Commenter 584 stated, “This is absolutely insane and preposterous! I'm a Democrat but this may turn me Republican. Are you kidding me? Do not pass this!!”

**Response to Comment 287:** The Department thanks you for your comment. Please see the Response to Comment 12. There was no change as a result of this comment.

**129. Commenter 585. Christopher Porter**

**Comment 288:** Commenter 585 stated, “So I just want to make sure I understand this correctly, recipients of welfare can pay a grand total of \$2,700 for a vehicle that is 2015 or newer with less than 70,000 miles and receive the title within 90 days after paying \$600. Correct? There isn't one single vehicle out there that is 2015 or newer with less than 70,000 miles on it that will be sold for \$2,700.” The commenter went on to ask as series of questions that compose the following comments.

**Response to Comment 288:** The Department thanks you for your comment. The commenters calculation are correct. There was no change as a result of this comment.

**Comment 289:** Commenter 585 asked, “who is going to pay for the rest of what the vehicle is sold for after the \$2,700 is paid?”

**Response to Comment 289:** The Department thanks you for your comment. Please see the Response to Comment 6. Among other things, those funds will be used for the purchase of program vehicles. There was no change as a result of this comment.

**Comment 290:** Commenter 585 asked, “How are we going to know at what price these vehicles were actually purchased for?”

**Response to Comment 290:** The Department thanks you for your comment. Please see the Response to Comment 72. There was no change as a result of this comment.

**Comment 291:** Commenter 585 asked, “At what point can the recipient sell the vehicle?”

**Response to Comment 291:** The Department thanks you for your comment. Please see the Response to Comment 32. There was no change as a result of this comment.

**Comment 292:** Commenter 585 asked, “Why are they giving the recipient the title without fully paying for the vehicle?”

**Response to Comment 292:** The Department thanks you for your comment. Please see the Response to Comment 27.

**Comment 293:** Commenter 585 asked, “What happens if they don't make the full payments?”

**Response to Comment 293:** The Department thanks you for your comment. Section 18(VII)(C)(2) specifies if they miss two payments in a row or three payments in 12 months, they will need to return the vehicle. There was no change as a result of this comment.

**Comment 294:** Commenter 585 asked, “why ... aren't the working people getting any kind of a break like this!?” The Commenter stated, “We have to go to a bank, qualify for a loan, pay interest, and pay the vehicle in full before we get the title! How is this being allowed to happen!? Why does this state encourage people to be unemployed?? Seems to me that might be the way to go for all the benefits you can receive living off the state.”

**Response to Comment 294:** The Department thanks you for your comment. Please see the Response to Comment 28. There was no change as a result of this comment.

**Comment 295:** Commenter 585 stated, “hopefully this does not go into effect because it is an absolutely terrible idea with even worse planning.”

**Response to Comment 295:** The Department thanks you for your comment. Please see the Response to Comment 12.

**130. Commenter 586. Sean Trahan**

**Comment 296:** Commenter 586 stated, “I certainly hope that someone stops this before it actually gets implemented. This is the most ridiculous spend of taxpayers money I have ever seen.”

**Response to Comment 296:** The Department thanks you for your comment. Please see the Response to Comment 12.

**Comment 297:** Commenter 586 stated, “I have searched far and wide to find an opinion FOR this program if you have information on it so I can educate myself on why this is the right thing to do please send.”

**Response to Comment 297:** The Department thanks you for your comment. Please see the Response to Comment 12. There was no change as a result of this comment.

**131. Commenter 588. Rep. Patty Hymannson, HHS Committee Maine State Legislature**

**Comment 298:** Commenter 588 stated, “I’ve been on the Health and Human Services Committee now for 6 years. And, in that 6 years, one of the most common problems we talk about is that the lack of transportation for people who are working in fields that are incredibly important for the wellbeing of our ... of Mainers but they’re low paid, and people don’t have access to transportation because, Maine is a large state ... and is very rural, so, there isn’t the public transportation, generally, available. So, I’m talking about people who are direct care workers, who go from place to place and home to home taking

care of people with developmental disabilities, intellectual disabilities, the elderly, people who have physical disabilities, and often times go a long distance from place to place to deliver care. Although, these same workers need child care and need a way to get their children to child care they need to show up, on time, for jobs, and they need to be there dependably, and, often times, a car that doesn't work, or lack of transportation doesn't help them. There are a lot of carpooling situations where people carpool, and the car breaks down and then none of the workers can show up. So, it is a very big problem in our state. So, this program, is a way to ensure that at least some people have transportation. So, that's the problem we're trying to solve."

**Response to Comment 298:** The Department thanks you for your comment. There was no change as a result of this comment.

**Comment 299:** Commenter 588 stated, "Accountability is something that the rules should take into account, but, the rules should not be obstructive to the intent of the law. So, I urge that balance between accountability and not obstruction. There is oversight written into the rules which is important and, oversight by the committee of jurisdiction, which, currently, is Health and Human Services, which should by yearly to review the important metrics that are collected and decide if the program has been a success as judged by the committee through input from data and from the stakeholders."

**Response to Comment 299:** The Department thanks you for your comment. Please see the Response to Comment 10. The commenter correctly points out that there is also a level of legislative oversight that is outside of the scope of this rulemaking. There was no change as a result of this comment.

**Comment 300:** Commenter 588 stated, "I wanted to, in closing, make sure that people understood—the problem and the intent of this program; that there is oversight; and that the rules are not obstructive to the intent of the program."

**Response to Comment 300:** The Department thanks you for your comment. There was no change as a result of this comment.

**132. Commenter 589. Dale McCormick, Women Unlimited**

**Comment 301:** Commenter 589 stated, this program sounds like the answer to my prayers when I was director of Women Unlimited. As anyone who has been for the last 30 to 50 years working on helping women to transition from welfare to work knows, transportation is, one of the top three barriers to employment. In my experience it was number one. To create a program like this that would, especially for the women who Women Unlimited helped get off welfare. These women accessed trade and technical jobs which are, usually, all over the place and not on a bus route, if there are any bus routes through rural Maine or not on a carpool that DOT has set up, except maybe for the, the three years that we were constructing the Casco Bay Bridge. Having access to a car like this program provides will just be life changing for women and had this program been available when I was directing Women Unlimited it would have changed the number of women we could place in these good paying jobs by two, three, four ten fold.

It's important. The Commenter provided extensive information on her qualifications and the work Women Unlimited had done with the target population.

**Response to Comment 301:** The Department thanks you for your comment. There was no change as a result of this comment.

**Comment 302:** Commenter 589 stated, "The premiums, or the up-front costs that you are requiring of women on welfare could be barriers to participation. And I understand why you want people to show that they're serious and have some skin in the game, and also, that they have the ability to handle the car and pay for it ... but I just want you to watch that and make sure that you're not setting the hurdle too high."

**Response to Comment 302:** The Department thanks you for your comment. The commenter correctly identifies that it is crucial that participants who receive vehicles have some upfront investment in the vehicle. The Department believes the down payment amounts in the proposed rule, distributed over up to three months, strikes the correct balance between program integrity and program access. There was no change as a result of this comment.



## CHANGES TO FINAL RULE

The changes below have been made to the final rule as a result of public comment, unless otherwise noted. The final rule is consistent in substance with the rule that was proposed.

### 1. *Section 18, Working Cars for Working Families*

#### DESCRIPTION OF THE CHANGE

1) Subsection V(A)(1). “federally funded” was added to “As of the date of application, the applicant must be an included member of an open case in Maine for, and be receiving, federally funded TANF or TANF-PaS; or”. This change was the result of comment and a closer review eligible uses for the prescribed funding.

2) Subsection V(C) was amended with the following requirement.

“1. Applicants must meet all of the non-financial eligibility criteria for federally funded TANF benefits described in Maine Title 10-144 C.M.R. Ch. 331 chapter II with the following exceptions:

a. Establishing Paternity and Assignment of Rights to Support

b. ASPIRE-TANF

NOTE: This exception does not waive any requirements to participate with ASPIRE based on participation in other TANF funded programs.”

This change was the result of comment and a closer review eligible uses for the prescribed funding.

## Notice of Agency Rule-making Proposal

**AGENCY:** Department of Health and Human Services, Office for Family Independence

**CHAPTER NUMBER AND TITLE:**

10-144 C.M.R. Chapter 607 - ASPIRE-TANF Program Manual;  
ASPIRE Rule #25P - Working Cars for Working Families

**PROPOSED RULE NUMBER:**

**BRIEF SUMMARY:**

The Department was directed to operate a Working Cars for Working Families program, 22 M.R.S. § 3769-F, by the 128<sup>th</sup> Legislature as part of the 2017-2018 biennial budget. The purpose is to assist participants in obtaining and maintaining sustainable employment by providing them with access to reliable, affordable transportation.

The rule establishes the program, sets out eligibility and ongoing participation criteria, and describes the application and decision processes, including termination of services and appeal rights.

**STATUTORY AUTHORITY FOR THIS RULE:**

22 M.R.S. § 3769-F

**PUBLIC HEARING:** None Scheduled

**COMMENT DEADLINE:** July 5, 2020

**CONTACT PERSON FOR THIS FILING:**

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**FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES:**

The Legislature allocated \$6,000,000.00 in TANF Block Grant funding for the Working Cars for Working Families program to be used between July 1, 2018 and June 30, 2022. The Department is in the process of submitting a Request for Proposals from entities to administer the program for the Department. However, the Department expects that municipalities may experience some increase in revenue from excise taxes and registration fees.

**AGENCY WEBSITE:** <http://www.maine.gov/dhhs/ofi/rules/index.shtml>

**E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON:** [Kevin.Wells@maine.gov](mailto:Kevin.Wells@maine.gov)

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*\* Check one of the following two boxes.*

*The summary provided above is for publication in both the newspaper and website notices.*

*The summary provided above is for the newspaper notice only. Title 5 §8053, sub-§5 & sub-§7, ¶D. A more detailed summary is attached for inclusion in the rule-making notice posted on the Secretary of State's website. Title 5 §8053, sub-§3, ¶D & sub-§6.*

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**10-144**

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**OFFICE FOR FAMILY INDEPENDENCE**

**CHAPTER 607**

**ASPIRE-TANF PROGRAM RULES**

**Effective November 6, 2001**

**Last Amended: XXXXX, 2020**

## Table of Contents

Section Number	Title	Pages
<b>Section 1</b>	Definitions	1-1 thru 1-6
<b>Section 2</b>	Authorization; Philosophy; Goals and Objectives; Administration	2-1 thru 2-6
<b>Section 3</b>	Participation; Participant Performance Requirements Participant Satisfactory Progress; Program Performance Requirements; Scheduling Appointments	3-1 thru 3-8
<b>Section 4</b>	Confidentiality, Participants' Rights and Responsibilities, Good Cause; Fair Hearings, Sanctions, Intentional Program; Violations, Overpayment Procedures	4-1 thru 4-10
<b>Section 5</b>	Work Evaluation	5-1 thru 5-5
<b>Section 6</b>	Case Management	6-1 thru 6-2
<b>Section 7</b>	Family Contract Amendment (FCA)	7-1 thru 7-2
<b>Section 8</b>	Pre-Training	8-1 thru 8-2
<b>Section 9</b>	Field Training	9-1 thru 9-3
<b>Section 10</b>	Education and Training	10-1 thru 10-3
<b>Section 11</b>	Work Activity Services	11-1 thru 11-3
<b>Section 12</b>	Job Search Activities	12-1 thru 12-3
<b>Section 13</b>	Employment	13-1 thru 13-8
<b>Section 14</b>	Support Services and Payment Provisions for Services	14-1 thru 14-9
<b>Section 15</b>	Reduction of ASPIRE-TANF Services when Funding is Inadequate	15-1 thru 15-2
<b>Section 16</b>	Parents as Scholars Program	16-1 thru 16-5
<b>Section 17</b>	TANF Time Limit Extensions	17-1 thru 17-9
<b>Section 18</b>	Working Cars for Working Families	18-1 thru 18-13

---

**INDEX**


---

<b>Subject</b>	<b>Section</b>	<b>Subsection</b>	<b>Pages</b>
<b>A.</b>			
Adult entertainment	4	IX	4-10
apprenticeship	13	II.B.	13-1
ASPIRE-Plus	13	II.A.	13-1,2,3,4
assessment	5		5-1 thru 5
auto liability insurance	14	II.D.	14-5
auto repairs	14	II.C.	14-4
auto purchase program	18		18-1 thru 18-13
<b>B.</b>			
books and supplies	14	II.H.	14-5
<b>C.</b>			
case management	6		6-1,2
child care	14	II.A.	14-1 thru 3
clothing and uniforms	14	II.I.	14-6
confidentiality	4	I.	4-1, 2, 3
<b>D.</b>			
definitions	1		1-1 thru 6
dental care	14	II.F.	14-5
displaced employee grievances	13	IV.	13-6 thru 8
<b>E.</b>			
education and training	10		10-1 thru 3
education, procedures	10	III.A.-J.	10-2, 3
education, training expenses	14	II.G.	14-5
education, types of	10	II.A.-D.	10-1, 2
employment	13		13-1 thru 8
extensions	17	I-VI	17-1 thru 17-9
eye care	14	II.D.	14-5

<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>	
<b>F.</b>	fair hearings	4	V.	4-6, 7
	family planning	8	E.2.a.	8-2
	Family Contract	2	IV.C.2.a.	2-5
		7	I.B., C.	7-1, 2
		7	II.A.-E.	7-2
		8	I.B.,C.,D.	8-1
		12	I.	12-1
		14	I.A.,B.,D.,F.	14-1 thru 14-9
		15	II.	15-1, 2
	fee-for-service agreements	14	II.L., M., N.	14-6, 7
	field training	9		9-1, 2, 3
	Fraud investigation and Recovery Unit (FIRU)	1		1-3
<b>G.</b>	Gambling facility	4	IX	4-10
	GED preparation and training	8	C.	8-2
	good cause	4	III.	4-4, 5
<b>H.</b>	high school diploma programs	8	B.	8-2
<b>I.</b>	Intentional Program Violation (IPV)	4	IX	4-10
<b>J.</b>	job readiness activities	8	E.	8-2
	job search	3		3-2, 4
		3		3-6, 7
		12		12-1, 2, 3
<b>K.</b>				
<b>L.</b>	life management skills	8	E.1.	8-2
	Liquor sales	4	IX	4-10

	<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>	
<b>M.</b>	MaineServe	3	IV.A.3.	3-6	
			IV.B.2.	3-6	
		11	I.A.-O.	11-1,2	
			II.A.-C.	11-3	
	Matriculation	16		16-1	
<b>N.</b>	non-traditional employment	13	II.D.	13-2	
			III.D.	13-6	
<b>O.</b>	occupational expenses	14	II.J.	14-6	
	on-the-job training (OJT/ASPIRE-Plus)	13	II.A. III.	13-1 13-2, 3,4	
	orientation	2		2-5, 6	
		3		3-8	
		5		5-1	
		7		7-2	
	Overpayment Procedures	4	VIII.	4-9, 10	
	<b>P.</b>	parenting education	8	E.2.C.	8-2
		Parents as Scholars	16		16-1 thru 5
		participant's performance requirements:			
Single Parent Household		3	II.A.	3-1, 2	
Two Parent Household		3	II.B.	3-3, 4	
Teen Parents		3	II.B.	3-2	
participants' rights and responsibilities		4	II.	4-3, 4	
participants' satisfactory progress		3	III.A.,B.	3-4, 5	
participation		3	I.A.	3-1	
payment of support services		14	IV.	14-8, 9	
period of enrollment		2	IV.C.3.c.	2-6	
		14	I.F.	14-1	
		14	II.D.	14-4	
	14	II.F.	14-5		
	14	II.J.,K.	14-7		



<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>
pre-training program:	8		8-1, 2
administration	2	IV.	2-3 thru 5
authorization	2	I.	2-2
goals and objectives	2	III.	2-3
performance requirements - single parent family	3	IV.	3-5, 6
performance requirements - two parent family	3	IV.	3-6, 7
<b>Q.</b>			
<b>R.</b> relocation costs	14	II.K.	14-6
remedial education	8	D.	8-2
responsibilities of:			
ASPIRE-TANF staff	2	IV.C.3.	2-5
OFI eligibility staff	2	IV.C.2.	2-4, 5
return of purchased goods	14	II.M.	14-7
<b>S.</b> sanctionable acts	4	VI.	4-8, 9
scheduling procedures	3	VI.	3-7, 3-8
self-employment	13		13-2
	13		13-4, 5
service delivery areas	15		15-1, 2
service reduction	15		15-1, 2
suitable employment	13	III.E.	13-5, 6
support services	14		14-1 thru 9

<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>
<b>T.</b>			
Transitional Employment for Maine Parents (TEMP)	11	I., III.	11-1, 2, 3
transportation	14	II.B.	14-3, 4
two parent family	3	II.C.	3-3, 4
<b>U.</b>			
<b>V.</b>			
<b>W.</b>			
work activities	1 3	IV.	1-5 3-5 thru 7
work activity services	11	11-1, 2, 3	
work evaluation	2 5 13	IV.C.3.b. I.A.	2-5 5-1 thru 5 13-1
work experience	3	IV.	3-5 thru 7
work readiness activities	8	II.E.2.	8-2
Working Cars for Working Families	18		18-1 thru 18-13
<b>X.</b>			
<b>Y.</b>			
<b>Z.</b>			

(XXX , 2020)

1-1

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 1: DEFINITIONS AND DESCRIPTIONS**

**Summary:** This section describes organizational units, programs, acronyms and significant terms pertaining to the ASPIRE-TANF program.

**DEFINITIONS**

Organizational units, programs, and their acronyms, and other significant terms pertaining to ASPIRE-TANF are defined below:

**Alternative Education** — An educational program that embraces subject matter or teaching methodology that is not generally offered to students of the same age or grade level in traditional school settings.

**ASPIRE-Plus** — ASPIRE-Plus is an On-the-Job training program that provides an employer subsidy for up to 26 weeks, depending on the length of training time needed, of up to 50 percent of the hourly wage paid by the employer.

**ASPIRE-TANF** — "ASPIRE-TANF" stands for Additional Support for People in Retraining and Employment - Temporary Assistance for Needy Families. ASPIRE is the welfare employment and training program created by the Governor and the Maine Legislature in July 1988, to provide case management, education, training, support and employment services to help TANF recipients to find or create jobs in the local labor market.

**ASPIRE-TANF Unit** — A unit within the Department of Health and Human Services, Office for Family Independence, or an agent or contractor thereof, which provides ASPIRE-TANF services to TANF participants. These services include but are not limited to Assessment, prevocational activities, support services, Good Cause determination, case management and employment services.

**Assessment** — An individualized process designed to integrate the array of ASPIRE-TANF services with the educational and vocational needs, interests and abilities of each participant.

**Basic Literacy Level** — The capability to read and write at a level equivalent to an 8th or 9th grade level as demonstrated either by an educational achievement test; maintaining a grade point average of at least 2.0 at a post-secondary institution; or having passed the reading portion of a high school equivalency test.

**Case Management** — The process of identifying the needs of the participant and the participant's family, coordinating services appropriate to meet those needs, and monitoring the participant's progress through ASPIRE-TANF so the participant can gain the skills and support to obtain employment.

**Child care, affordable\*** — Affordable child care arrangements are those for which the participant incurs no cost or is reimbursed by another program such as ASPIRE or through a deduction for child care from income by the TANF program or by any combination of these methods.

**Child care, appropriate\*** — Appropriate child care is affordable child care furnished by a child care provider, of the participant's choice, who has passed background checks as required by 22 M.R.S.

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\* these definitions apply only to single parents with a child under age 6

(XXX , 2020)

1-2

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

§§ 8301-A and 8302-A.

**Child care, reasonable distance\*** — Reasonable distance means that the ASPIRE participant is required to commute no more than 15 additional miles between home and work activity in order to transport the child to the child care provider.

**Child care, unsuitability of informal care\***

— Unsuitable child care is that provided by an individual who cannot pass a required background check or is unaffordable or would require the ASPIRE participant to travel an unreasonable distance.

**Component** — Education, training and employment activities approved by ASPIRE-TANF including — pre-training; educational activities through post-secondary level; job skills training; job readiness activities; group and individual job search; on-the-job training; and community work experience.

**Department of Health and Human Services (Department or DHHS)** — The agency authorized by Federal statutes to administer the ASPIRE-TANF program and other programs within the Office for Family Independence.

**Education** — Activities including remedial-education, high school or equivalency, and post-secondary certificate programs designed to prepare the participant for employment.

**Exempt from the Time Limit** — A month or months that do not count against a participant's 60-month time limit.

**Exempt from Work Participation** — A TANF recipient who is not required to participate in ASPIRE-TANF in accordance with Federal or State regulations.

**Extension** — A one to six-month time period during which TANF benefits may be received, based on hardship, approved by the Department. An extension allows a household to receive benefits past its 60-month time limit, when the recipient is complying with program rules and meets all other TANF eligibility requirements.

**Fair Hearing (also known as an Administrative Hearing)** — A hearing conducted before a Department of Health and Human Services hearings officer in which a participant has an opportunity to dispute a decision made by the Department. The hearings officer's decision is binding on all parties involved in the particular case.

**Family Contract** — A form signed by a representative of the Department and each TANF caretaker relative that states the responsibilities of the parties to the agreement, including but not limited to cooperation in child support enforcement and determination of paternity, and the requirements of program participation. The contract may also include referral to parenting activities and health care services where the need for such services has been established.

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\* these definitions apply only to single parents with a child under age 6

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**Family Contract Amendment (FCA)** — The binding agreement ASPIRE participants enter into with the Department, ASPIRE Unit, pursuant to 22 M.R.S. § 3788 (4-A). In these agreements, specific action steps are listed that both the Department and the participant agree to perform. ASPIRE support services to be provided are listed in the FCA.

**Federal Department of Health and Human Services, Administration for Children and Families, Office of Family Assistance (HHS/ACF/OFA)** — The federal agency that administers and regulates the TANF Program and other programs of the Department of Health and Human Services, Office for Family Independence, and provides block grant funds for these programs.

**Field Training** — A non-wage, time limited, training placement with a public, private non-profit or profit employer which enables the participant to explore a preliminary career decision, gain experience in the work world and/or improve specific job skills.

**Fraud, Investigation and Recovery Unit (FIRU)** — the unit in the Department responsible for investigating allegations of misuse, fraud, and over-payments. The unit also is responsible for seeking repayment when appropriate or referring the matter to the Attorney General's office for prosecution.

**Food Supplement Employment and Training (FSET)** — The employment and training program administered under 7 C.F.R. § 273.3, 22 M.R.S. § 3104, and 10-144 C.M.R. chapter 609, that provides case management, education, training, supports and employment services to help Food Supplement recipients find and keep jobs.

**Gainful Employment** — Activities that a person can perform which are intended to provide an income and which are a source of consistent revenue for the worker, such as a steady job.

**Good Cause** — Acceptable reasons, as determined by the Department of Health and Human Services, for a participant's failing or refusing to participate in ASPIRE-TANF or in a particular ASPIRE-TANF component.

**Higher Opportunity for Pathways to Employment (HOPE)** — The program administered under 22 M.R.S. § 3790-A, and 10-144 C.M.R. chapter 330, that provides support services such as child care and transportation and voluntary student navigation services to help low income students who are parents of minor children.

**Intentional Program Violation (IPV)** — An IPV occurs when an individual has purposely misused "cash benefits" or other benefits, and/or misrepresented actual circumstances in order to receive benefits, and the individual would not have been eligible had the proper information been available at the time of application, redetermination of eligibility, or within ten days of the change in circumstances. An IPV will result in a referral to the Fraud, Investigation and Recovery Unit (FIRU) for further review and recovery.

**Job Club** — A structured and supervised job search group which assists participants in their efforts to obtain and retain employment.

(XXX , 2020)

1-4

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**Job Development/Placement** — Specific actions by ASPIRE-TANF or a service provider in identifying subsidized and unsubsidized jobs, marketing participants based on their career goals for those jobs and securing job interviews for participants.

**Job Readiness** — Pre-training activities focusing on life management skills, work maturity skills, work place expectations and work behavior and attitudes necessary to succeed in the labor market.

**Job Search** — Counseling and pre-employment training on job-seeking skills either individually or in groups. The group "Job Club" is the preferred job search activity.

**Job Skills Training** — Vocational training focusing on the required skills, knowledge and abilities of a specific occupation or business.

**MaineServe** — A community service program designed to provide parents who are eligible for TANF opportunities to serve their communities and the State in a manner that assists them in developing and renewing their skills in ways that may lead to employment that is sufficient to sustain their families.

**Matriculation** — For the Parents as Scholars Program, matriculation is defined as acceptance and enrollment into any two-year or four-year academic program in an institution of post-secondary education.

**Net Loss of Cash income** — Net loss of cash income results if the family's gross income, less necessary work-related expenses, is less than the TANF benefit and any other cash assistance the participant was receiving at the time the offer of employment is made.

**Non-Compliance** — Failure of a mandatory ASPIRE recipient to sign or abide by the terms of the Family Contract Amendment without Good Cause, which will result in termination of benefits to the individual for the lesser of ninety (90) days or until the failure to comply ceases.

**Office for Family Independence (OFI)** — The organizational unit with the Department of Health and Human Services which administers the ASPIRE-TANF program. OFI also administers the following services: TANF, Food Supplement Benefits (SNAP), General Assistance, MaineCare, HOPE, Support Enforcement and Recovery, and Emergency Assistance.

**On-the-Job Training (OJT)** — A means by which a participant is hired and trained in a specific occupation by a private or public employer who receives a partial reimbursement of wages paid for providing skills and training necessary to perform the job (See ASPIRE-Plus).

**Order of Reference** — A document in which the Department's Commissioner gives specific instructions to the Office of Administrative Hearings regarding the issues to be addressed at hearing and the handling of a hearing request. These instructions may include, but are not limited to, an instruction that the Hearing Office issue recommended findings and a recommended decision with the authority to make the final findings and decision reserved to the Commissioner.

(XXX , 2020)

1-5

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**Parents as Scholars Program (PaS)** — A student aid program based on need for up to 2,000 participants, to aid needy students who have dependent children and who are matriculating in post-secondary undergraduate 2-year and 4-year degree-granting education programs.

**Participant** — A TANF recipient who is involved in ASPIRE-TANF activities.

**Period of Enrollment** — The time frame from the opening of activity with the ASPIRE-TANF program, until participation with ASPIRE-TANF is ended.

**Pre-Training** — Activities designed to prepare the participant for occupational skills training, post-secondary education and employment. Such activities include secondary education programs, job readiness activities, employment counseling, field training, self-employment evaluation, and referral to services to improve life-management skills.

**Sanctions** — Actions taken by the Department of Health and Human Services as a result of a participant's failing or refusing to participate in ASPIRE-TANF without Good Cause. These actions generally cause a reduction in TANF and Food Supplement benefits for a specified time period for participants who are not exempt, and a loss of services for a specified time for voluntary participants.

**Satisfactory Progress** — The requirement that a participant meet standards of performance imposed by an educational or training institution and by ASPIRE-TANF while participating in an education or training activity.

**Support Services** — Services such as child care, transportation, eye and dental care, which enable the participant to complete the Family Contract Amendment and take employment.

**TANF Recipient** — An individual whose family's financial needs are met in part with TANF payments in accordance with the Maine Public Assistance Manual.

**TANF Single Parent Family** — A TANF family which receives benefits under the program authorized in the Federal Social Security Act, as amended by the *Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996*, and the *Deficit Reduction Act (DRA) of 2005*, whose children are deprived of parental support or care by reasons other than the underemployment of the parent who is the principal wage earner, or the incapacity of a parent.

**TANF Two Parent Family** — A TANF family which receives benefits under the program authorized in the Federal Social Security Act, as amended by the *Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996*, and the *Deficit Reduction Act (DRA) of 2005*, whose children are deprived of parental support or care either by reason of the underemployment of the parent who is the principal wage earner, or by reason of incapacity of a parent.

**Time Limit** — The limit of 60 months during which a family may receive TANF assistance in the absence of the family qualifying for a time limit exemption or extension.

(XXX , 2020)

1-6

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**Training and Work Site Agreement** — An agreement which is included as part of the Family Contract Amendment and which stipulates specific performance requirements for a participant enrolled in education, training and/or work experience.

**Transitional Employment for Maine Parents (TEMP)** — a volunteer work experience position.

**UP** — Unemployed Parent refers to the cases where TANF eligibility is based on the unemployment or under-employment of one of the parents in the household.

**Up-front Job Search** — Newly-granted TANF recipients who are considered job-ready, and who are eligible for TANF based on unemployment of the primary wage earner or single parent recipients whose children are 5 years of age or older, may participate in individual or group job search activities during the work evaluation phase of involvement with ASPIRE-TANF.

**Voluntary Participant** — A TANF recipient who is not required to participate, by Federal or State regulations but chooses to enroll in ASPIRE-TANF.

**Work Activities** — Work activities are those activities that are allowable under PRWORA (Sec. 407, (d)), and are listed in this manual in Section 3 (IV)(A)(3) and (IV)(B)(2).

**Work Eligible Individual (WEI)** — An adult, or a minor child, who is a head of household, receiving assistance under TANF or a separate State program, who is not otherwise exempted from meeting a work requirement.

**Work Evaluation** — Consists of all activities related to Assessment, employability plan development and initial amendment to the Family Contract Amendment. Work evaluation is limited to a maximum of 90 days, unless extended by the Commissioner (or the designee of the Commissioner).

**Work Experience** — This is a generic term used to describe a variety of experiential activities (such as TEMP, On-the-Job Training, Community Service, etc.) that lead to, or include, employment.

**Work Readiness Activities** — These activities include job shadowing, job coaching, mentoring, situational assessment, and any other activity that will encourage obtaining or retaining employment.

**Working Cars for Working Families** — Transportation assistance program which assists participants in obtaining and maintaining sustainable employment by providing them with access to reliable, affordable transportation. This program is designed to be an employment support and to comply with applicable federal TANF regulations.

**END OF SECTION**



**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 18: WORKING CARS FOR WORKING FAMILIES**

**SUMMARY:** This section describes the Working Cars for Working Families Program (referred to in this Section as “the Program”), which is created to provide transportation for low-income individuals to obtain and retain employment. This Section establishes the Program, sets out eligibility and ongoing participation criteria, and describes the application and decision-making processes.

**I. AUTHORIZATION**

The Department is authorized to operate the Working Cars for Working Families Program by 22 M.R.S. § 3769-F.

**II. PHILOSOPHY**

The purpose of the Program is to assist participants in obtaining and maintaining sustainable employment by providing them with access to reliable, affordable transportation. The Program is designed to be an employment support and to comply with applicable federal TANF regulations.

**III. ADMINISTRATION**

- A. General — Subject to the availability of funds, the Department shall administer the Working Cars for Working Families Program in accordance with this Section. The Program shall endeavor to provide long-term transportation solutions to eligible program participants, and the Department may exercise its discretion in determining the most effective and efficient way to achieve that goal with the limited resources and time period provided under statute. In such exercise of its discretion, the Department may determine that the Program will include different transportation options. Such options may include, without limitation—furnishing purchased or donated vehicles to participants; coordinating public or private transportation; facilitating car shares among participants; ride or shuttle service; or providing driver instruction or education. These rules include some provisions that expressly apply only to certain such options, but nothing in these rules or in those specific provisions shall be construed to require the Department to provide such options.
- B. Definitions –
1. For purposes of this Program, “sustainable employment” is employment that leads or is expected to lead to a family ending its financial need for cash assistance, including TANF, PaS, and Alternative Aid. “Employment” within the meaning of this Section does not include self-employment or any form of employment that involves a subsidy to the employer.
  2. For purposes of this Program, “earned income” is as defined in 10-144 C.M.R. Ch. 331 Introduction and Definitions and limited by Subsection III (B) of this Section.
- C. Funding Contingencies — Pursuant to authorizing statute, funding for the Working Cars for Working Families Program is limited to \$6,000,000 allocated from the federal TANF block grant accrued prior to state fiscal year 2017-2018. If the Department finds that its continued

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

administration of the Program will or is reasonably likely to exhaust that funding before June 30, 2022, it will follow the procedures in this subsection to minimize the impact on program participants.

1. If funding allows, the Department shall stop accepting or processing new applications or Transportation Program Agreements (see Subsection VII), and shall continue to honor all current, signed Agreements to their completion date.
2. If funding is not sufficient to maintain current programming as described in subparagraph 1, the Department shall reduce specific transportation services and/or the frequencies with which such services are provided, giving as much advance notice to affected program participants as is reasonably practicable. The Department shall effectuate reductions and eliminations under this subsection on a generalized and categorical basis, and shall not make case-by-case elimination or reduction decisions.
3. If funding is not sufficient to maintain current programming as provided in subparagraph 1 or to equitably reduce or eliminate programming as provided in subparagraph 2, the Department shall terminate all Transportation Program Agreements and end all services, providing as much advance notice to program participants as is reasonably practicable.
4. The Department will notify program participants of reductions or program termination no less than fourteen (14) calendar days in advance of the reduction or termination of service.
5. Categorically applicable denials, reductions, and service terminations based on funding limitations are not subject to administrative appeal.

**IV. ELIGIBILITY DETERMINATION PROCESS**

A. General — The Department shall determine program eligibility and enrollment as follows:

1. The Department shall determine whether an application meets the financial and nonfinancial program eligibility criteria set out in Subsection V;
2. If the Department finds that an application meets the eligibility criteria, it will notify the applicant, and schedule and conduct an in-person assessment with the applicant, in accordance with Subsection VI; and
3. If the Department finds that Program participation is appropriate for the applicant, it will determine whether there are available Program resources that would remediate the applicant's transportation barriers.

B. Application — To facilitate the process described in Subsection IV (A), the Department shall develop a uniform application for the Program, which will allow the Department to evaluate an applicant's eligibility under Subsection V. The application will also include a list of

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

transportation services that may be available, from which the applicant may indicate the specific service(s) sought. Applicants may submit completed applications at any of the Department's regional offices or at statewide offices where ASPIRE services are provided.

- C. Enrollment — The Department shall determine whether an applicant may receive transportation services under this Section—and if so, what specific services to provide—based on the following:
1. The Department's review of the applicant's eligibility under the Basic Eligibility Criteria in Subsection V, including the applicant's timely production of any necessary or requested verifications that confirm such eligibility;
  2. The applicant's timely compliance with requests for verification and attendance at the scheduled assessment;
  3. The Department's review of the applicant's transportation needs, employment situation, and suitability for the Program, in accordance with Subsections V and VI; and
  4. The availability of Program resources, and non-program alternatives, that will reasonably address the applicant's transportation needs.
- If in its evaluation of factors 1-4, the Department determines that participation in the Program is appropriate, it will notify the applicant in accordance with Subsection IV (D). Program enrollment and service delivery shall not occur until the qualified applicant has executed a Transportation Program Agreement under Subsection VII (A).
- D. Decision — The Department will issue a written determination of eligibility at the conclusion of its evaluation. If the applicant is not deemed eligible and qualified for the program pursuant to Subsections V or VI, or if the Department determines that the applicant will receive a transportation service that is not the applicant's first preference, then the notice will identify the reason(s) for the denial or for the particular service selection. The decision will be provided to the applicant within thirty (30) calendar days of the date the Department receives the completed written application, provided the applicant has replied to requests for verifications in a timely manner and attended the scheduled assessment. The notice of decision will include information on appeal rights when applicable.
- E. Waitlist — If the transportation service that an eligible individual requires is not immediately available, the Department will maintain a waitlist that will include the individual's contact information, affirmative eligibility determination, and service request. When the service becomes available, the applicant will be contacted by their preferred method of contact that the individual stated during their Assessment (e.g., telephone, text, email, written postal mail). If the individual does not respond to that preferred method of contact within two (2) business days, they will be mailed a written notice, which, if more than sixty (60) days after the applicant's first assessment, will include the date and time of a new Assessment appointment. If the waitlisted participant fails to contact the Program within ten (10)

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

business days of the date the notice was issued by the Department, the individual will be closed from the Program and removed from all Program waitlists.

**V. BASIC ELIGIBILITY CRITERIA**

- A. Financial Eligibility — Applicants must meet one of the following financial eligibility requirements to receive transportation services as part of the Program:
1. As of the date of application, the applicant must be an included member of an open case in Maine for, and be receiving, federally-funded TANF or TANF-PaS; or
  2. The applicant's filing unit (within the meaning of the Maine Public Assistance Manual, Chapter II) must have gross income at or below the gross income standard applicable to Alternative Aid applicants, pursuant to the Maine Public Assistance Manual, Chapter IX.
- B. Transportation Need — To be eligible for the Program, applicants must demonstrate that adequate reliable transportation is their primary barrier to obtaining or retaining sustainable employment. In assessing this need, the Department may require an applicant to make a written statement as part of the application, explaining the applicant's transportation limitations and how they impact job prospects. Determining whether an applicant meets this eligibility criterion will require the Department to consider the facts and circumstances of each individual applicant. At a minimum, the applicant shall provide details concerning, and the Department shall consider, the following:
1. Employment Circumstances — The applicant must have a reasonable likelihood of obtaining or retaining sustainable employment by participating in the Program. An applicant may meet this requirement by showing the following, or making a similar showing:
    - a. The applicant is actively working thirty (30) or more hours per week, resulting in weekly earned income equal to or in excess of the State of Maine's minimum wage;
    - b. The applicant has a job offer, or offers, that would combine for thirty (30) hours average weekly employment, resulting in earned income equal to or in excess of the State of Maine's minimum wage;
    - c. The applicant has at least one pending job application for a position the applicant is qualified for and prepared to accept, within an hour commute of the applicant's residence;
    - d. Within the last thirty (30) days there have been, or there currently are, at least three posted positions, for which the applicant is qualified and that they would have applied to but for transportation limitations, within an hour commute of the applicant's residence; or

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- e. Within thirty (30) days of Program application the applicant will receive a credential, certification, degree or other similar qualification that will enable the applicant to apply for and accept employment within a field that has had in the last thirty (30) days at least three posted positions within an hour commute of the applicant's residence for which the applicant will be qualified upon receipt of the new credential.
2. Transportation Limitations. An applicant will be eligible for the Program only if they do not have access to sufficient transportation to maintain or obtain sustainable employment. An applicant is not eligible for the Program, if—
    - a. They own a vehicle in reliable running condition. The Department will verify an applicant's lack of ownership by searching for active registration with the State of Maine, Bureau of Motor Vehicles (BMV) and with the BMV or any like agency of any other state where the applicant lived within twelve (12) months of applying. If the applicant contends that their vehicle is not in reliable running condition, the Department will require a written statement from a State of Maine licensed vehicle inspection station;
    - b. Another adult living with the applicant owns a vehicle in reliable running condition and does not use the vehicle for work or child care that conflicts with the applicant's actual or anticipated employment schedule. The Department will verify such lack of ownership by searching for active registration with the State of Maine, Bureau of Motor Vehicles. If the applicant contends that the household vehicle is not in reliable running condition, the Department will require a written statement from a State of Maine licensed vehicle inspection station;
    - c. Available public transportation can reliably and consistently accommodate the applicant's actual or anticipated schedule of employment hours and child-care-provider-required pick up and drop off times, with an average commute time of no longer than one (1) hour each way; or
    - d. They have consistent access to any other form of reliable transportation that does not limit the applicant's ability to accept new employment, increase hours, change their work schedule, or meet child care needs.

C. Additional Nonfinancial Requirements—

1. Applicants must meet all of the non-financial eligibility criteria for federally-funded TANF benefits described in Maine Title 10-144 C.M.R. Ch. 331 chapter II with the following exceptions:
  - a. Establishing Paternity and Assignment of Rights to Support

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

b. ASPIRE-TANF

NOTE: This exception does not waive any requirements to participate with ASPIRE based on participation in other TANF-funded programs.

2. No applicant is eligible to participate in the Program if at the time of application or subsequent to the application—
  - a. The applicant or another member of the applicant's TANF filing unit has received three (3) or more Department sanctions including from, without limitation—ASPIRE, Division of Support Enforcement and Recovery (DSER), and Quality Control (QC) in the last twenty-four (24) calendar months; or
  - b. The applicant or another member of the applicant's TANF filing unit has had an Intentional Program Violation (IPV) for any needs-based benefit program in Maine, or any other state within the United States.
3. Applicants who are mandatory ASPIRE Program participants must meet the following conditions:
  - a. Be in compliance with the terms of their Family Contract Amendment;
  - b. Not have a current sanction for failing to comply with the ASPIRE Program;
  - c. Not be exempt from ASPIRE work participation requirements. This limitation includes federally allowed exemptions of caring for a disabled family member, or caring for a child under the age of one (1); and
  - d. One of the following:
    - i. Have been successfully meeting the ASPIRE work participation requirements without need for good cause for each of the previous three months, or since beginning participation with ASPIRE, whichever is shorter; or
    - ii. Have had employment of an average of thirty (30) hours per week resulting in weekly earned income equal to or in excess of the State of Maine's minimum wage for each of the previous three months, or since beginning participation with ASPIRE, whichever is shorter; or
    - iii. During the relevant period, have attended full time (as defined by the institution) college courses that resulted in an Associate's or Bachelor's Degree, or attended a training or education course(s) for an average of thirty (30) hours per week that resulted in a work credential.

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

4. Individuals who are not mandatory ASPIRE Program participants must meet the following conditions:
  - a. Qualify as a member of a TANF filing unit, in which a qualifying specified relative is maintaining a home for a child under the age of eighteen (18), or who is eighteen (18) and attending school full time. The provisions of the Maine Public Assistance Manual, Chapter II, apply to determine whether an applicant meets the qualifications under this subsection;
  - b. Be actively working thirty (30) or more hours per week, resulting in weekly earned income equal to or in excess of the State of Maine's minimum wage before receiving any transportation service under the Program; and
  - c. Attend a Program orientation and comply with all requirements associated therewith before receiving any transportation service under the Program.
  
- D. Additional Eligibility Criteria for Vehicle Access—Applicants requesting to receive access to a vehicle through the Program must meet additional eligibility requirements to receive the service. Applicants otherwise meeting the eligibility criteria in this section may receive other transportation services available through the Program until satisfying the following criteria:
  1. Have a current valid driver's license in any state in the United States;
  2. Be at least twenty-one (21) years of age;
  3. Demonstrate the ability to responsibly own and maintain a vehicle. This demonstration includes completion of each of the following courses prior to vehicle delivery, if the Department provides them:
    - a. Driver safety course (Maine Driving Dynamics);
    - b. Vehicle ownership orientation; and
    - c. Vehicle ownership course including financial preparation.
  4. Not have been convicted of any of the following offenses, as determined by self-attestation and a background check:
    - a. Operating Under the Influence (OUI), Driving Under the Influence (DUI) or Driving While Intoxicated (DWI) in the past ten (10) years;
    - b. More than two (2) moving violations or at-fault accidents in the past five (5) years;

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- c. Any moving violation in the six (6) months immediately preceding Program enrollment; or
    - d. Any crimes of violence leading to bodily injury of another.
  - 5. Make a down payment to the Department in the amount equivalent to three (3) monthly premium payments, as provided in Subsection VII (C)(2). This payment may be made in no more than three (3) installments, over no more than three (3) months, and may not be waived. Participants may not receive ASPIRE, FSET, or HOPE support services to cover the down payment.
- E. Verifications — Except where otherwise specified, above, and unless the Department can obtain verification through its own records or the records of its agents, the Department shall require written or third-party verification of any factor impacting Program eligibility. Failure to respond to requested verifications within ten (10) business days may result in a denial.

**VI. ASSESSMENT**

- A. General — As part of the determination of Program eligibility, the Department will conduct an assessment of the applicant to evaluate the applicant's qualifications, particularly with regard to their transportation need, as set out in Subsection V(B). Provided that all eligibility criteria are satisfied, the assessment will also evaluate available transportation service options to determine the option best suited to an applicant's particular situation. The Department may determine, as a result of the assessment, that the applicant may receive program services that are different from the applicant's initial request.
- B. Format and Scheduling — The assessment will be scheduled verbally or by a written scheduling notice and shall be conducted in person between the applicant and the Department. Failure to attend a scheduled assessment without providing twenty-four (24) hours of advance notice and rescheduling at a mutually agreed time no more than one week after the original date may result in a denial. The Department may, but is not required to, verbally notify the applicant at the time of the assessment that they are eligible for the Program and suitable for an available option. If such a determination is appropriate, the Department and the applicant shall execute a Transportation Program Agreement at that time, and the Department may begin providing Program services immediately, as appropriate. If the Department makes such a determination at the time of the assessment, and the applicant executes a Transportation Program Agreement, the applicant may, at their sole option, elect not to receive a separate written decision about Program eligibility under Subsection IV (D).
- C. The Department shall discuss the following with the applicant during the Assessment:
  - 1. Any information in or missing from the application that is relevant to eligibility criteria set out in Subsection V;
  - 2. Any information in or missing from requested verifications;



**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

3. The applicant's current employment status, including details concerning earnings and scheduled work hours;
4. The applicant's employment history from the past twenty-four (24) months, to include self-employment and subsidized employment;
5. Transportation resources currently available to the applicant;
6. The applicant's method of transportation used in the past twelve (12) months;
7. The applicant's current or anticipated travel route to child care and employment;
8. Details of any vehicles owned or registered to the individual to include, but not limited to, outstanding loans, year, make, model, mileage, condition, current status of title, registration, inspection, liens, and insurance;
9. Driving background to include a review of a background check which shall include searches of the State Bureau of Investigation (SBI) and Maine's Bureau of Motor Vehicles (BMV) records;
10. Any other matter that impacts the applicant's Program eligibility or suitability for a service or set of services; and
11. Information on the applicant's preferred method of contact.

**VII. PARTICIPATION AND CONTINUED ELIGIBILITY REQUIREMENTS**

- A. Program Agreement — Prior to receiving any services under the Program, and before any changes to services can take effect for ongoing cases, participants must execute with the Department a Transportation Program Agreement (Agreement).
  1. Form and Duration — The Agreement must be reviewed and renewed no less often than once every six (6) months, or whenever there is a material change in a participant's employment or transportation circumstances.
  2. Effect — The participant shall comply with the terms of their Agreement, and failure to do so may result in termination of enrollment, per Subsection VIII, a Program overpayment, per the Maine Public Assistance Manual, Chapter VI, and/or an Intentional Program Violation (IPV), per the Maine Public Assistance Manual, Chapter VI.
  3. Content — Each Agreement shall be tailored to the facts and circumstances of the Program participant. In addition, all Agreements must include the following:
    - a. An attestation by the participant that they do not have sufficient access to reliable transportation to allow the them to retain or obtain sustainable employment;

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- b. A commitment that the participant will report to the Department immediately if they determine that they cannot meet the requirements of the program;
  - c. A commitment that, once enrolled in the program, the participant will not voluntarily reduce hours of employment below the average of thirty (30) hours per week;
  - d. A commitment that the participant will report changes of employment circumstances (including without limitation — employer, hours, schedule, and earnings), the availability of alternative transportation options, and contact information to the Department within ten (10) days of their becoming aware of the change;
  - e. A commitment that the participant will attend in-person meetings with the Program as scheduled, and no less often than once a month during the first six (6) months of program participation; and
  - f. A commitment that the participant will not engage in disruptive conduct during any program-coordinated transportation service.
4. Content Specific to Vehicle Access Services — Prior to receiving such service under the Program, participants eligible for and seeking to gain access to a vehicle under the Program must execute an Agreement that, in addition to the provisions specified in Subsection VII (A)(3), includes—
- a. A commitment to use the vehicle primarily for purposes of commuting to and from work;
  - b. A commitment not to sell or trade the vehicle during Program participation, without prior authorization in writing from the Director of the Office for Family Independence or their designee;
  - c. A commitment not to allow other members of the household to drive the vehicle;
  - d. A commitment not to use the vehicle for income producing transportation services or for transportation services which result in mileage reimbursement for transporting others;
  - e. A commitment to operating the vehicle in compliance with all applicable traffic and parking laws;
  - f. A commitment not to operate the vehicle under the influence of alcohol, illegal drugs, or prescription drugs that impair a person's ability to operate motor vehicles;

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- g. A commitment not to consume alcohol, illegal drugs, or prescription drugs that impair a person's ability to operate motor vehicles while in the vehicle, whether or not the vehicle is running;
  - h. A commitment to report any accidents, thefts, or similar types of incidents involving the vehicle to law enforcement immediately;
  - i. A commitment to protect the vehicle from theft and vandalism by locking the vehicle and parking in well-lit areas, to the extent possible;
  - j. A commitment to conduct routine maintenance on the vehicle as necessary, including but not limited to, regular cleaning of the interior and exterior of the vehicle, oil changes, and maintaining fluid levels;
  - k. A commitment not to operate the vehicle when it is in an unsafe condition or in need of repairs, to report such a condition to the Department immediately, and to cooperate with the Department in arranging for necessary repairs;
  - l. A commitment not to use the vehicle for any illegal activities;
  - m. A commitment to make monthly premium payments timely and in-full, as described in Subsection VII (C);
  - n. Subject to Subsection VII (C)(1), a commitment to timely cooperate with and assist the Department in—
    - i. maintaining active, current registration for the vehicle,
    - ii. maintaining active, current insurance on the vehicle,
    - iii. ensuring the vehicle timely passes state inspection, and
    - iv. ensuring all applicable taxes on the vehicle are paid; and
  - o. A commitment to immediately return the vehicle to the Department upon demand, for failure to comply with the terms of the Agreement or the rules of the Program, including transferring title to the Department where applicable.
- B. Annual Review — No less often than once every twelve (12) months following initial Program Enrollment, a participant will attest to the Department and confirm with verifications as requested by the Department that —
- 1. Without regard to how the participant initially gained financial eligibility into the Program, the gross income of the participant's filing unit (within the meaning of the

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

Maine Public Assistance Manual, Chapter II) is less than or equal to 250 percent of the federal poverty level;

2. Transportation would be a primary obstacle to retaining sustainable employment if the participant withdrew from the Program; and
3. The participant continues to meet all applicable nonfinancial eligibility requirements set out in Subsection V (C) and (D).

C. Additional Vehicle Access Provisions —

1. To the extent reasonably practicable, the Department shall transfer title to all vehicles provided to program participants within thirty (30) calendar days of vehicle distribution. Prior to transferring title, in addition to determining that the participant has met all relevant eligibility criteria, the Department must—
  - a. Determine that, without assistance from the Department, the participant is financially able to pay all expenses associated with owning the vehicle including, without limitation, expenses associated with the provisions of Subsection VII (C)(1)(b), below; and
  - b. Require the participant, as an additional provision of the Agreement, to—
    - i. maintain active, current registration for the vehicle,
    - ii. maintain active, current insurance on the vehicle,
    - iii. ensure that the vehicle timely passes state inspection, and
    - iv. ensure that all applicable taxes on the vehicle are paid.
2. Monthly Premiums — Notwithstanding title to the vehicle, participants must pay to the Department a premium of \$100 by the 15<sup>th</sup> day of each calendar month in order to maintain access to such vehicle under the Program.
  - a. If a participant's filing unit (within the meaning of the Maine Public Assistance Manual, Chapter II) has income greater than 200 percent of the federal poverty level, the participant's monthly premium will be \$150.
  - b. A participant's first failure to make a timely monthly premium payment will result in an overpayment in the amount of the premium due and an official warning issued by letter. A second failure to make a timely premium payment will result in an overpayment and an obligation to return the vehicle to the Department, per the Agreement.

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- c. Temporary Waiver — For no more than one month at a time, the Department may waive the monthly premium and any penalty for failure to make a payment thereof, upon a participant's written or oral request and verification prior to the payment due date that—
  - i. the filing unit's income has fallen below 100 percent of the federal poverty level; or
  - ii. the participant is experiencing a crisis or extreme hardship, as determined by the Director of the Office for Family Independence or their designee.

Without regard to this Subsection, if a participant cannot pay the premium for more than two (2) months in a row or three (3) months in a twelve (12) month period, the Department will conduct a new assessment and reassign the participant to a more suitable transportation option, if one is available.

- d. Participants may not receive ASPIRE, FSET, or HOPE support services to cover the premium.
- 3. Program Graduation — After a participant has made a total of twenty-four (24) monthly premium payments, in addition to the down payment, participation in the program and obligations under the Agreement will end, and the participant will retain ownership of the vehicle without continuing premium payment obligations. The Department shall notify participants in writing at the time of such graduation.
  - 4. The Department shall pursue an intentional program violation (IPV) when a participant has knowingly failed to return the vehicle upon the Department's demand or has sold or traded the vehicle during Program participation without prior authorization in writing from the Director of the Office for Family Independence or their designee. The dollar amount of any overpayment associated with such an IPV will be the value of the vehicle at the time of the initial transfer of ownership from the Department to the participant. Such amount may not be reduced to account for depreciation, premium payments made, or any other costs incurred and paid by the participant in the course of owning the vehicle.

## **VIII. TERMINATION AND APPEAL**

- A. Early Termination of Services — Program services to a participant shall be terminated when one of the following occurs:
  - 1. The participant no longer meets all applicable program eligibility requirements set out in Subsection V; or
  - 2. The participant fails to comply with a provision in their Agreement.

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

A participant shall not be terminated from the program due to failure to comply with their Agreement if the noncompliance concerns employment, and the participant demonstrates either —

- a. That the participant was terminated or had hours reduced through no fault of the participant; or
  - b. The noncompliance was due to a medical condition or illness of the participant or a dependent who requires full time care. This noncompliance must last no more than two (2) calendar weeks. The medical condition or illness must be verified by a medical provider approved by the Department.
- B. Appeal Rights — A participant who disputes an application decision or a program decision, including a decision on a selection, reduction, or termination of transportation services; a denial of a monthly premium temporary waiver; or an overpayment; has the right to an administrative hearing, provided the request for the hearing is made timely. Department staff will complete the hearing request on behalf of the participant and file it with the Administrative Hearings Unit. See 10-144 C.M.R. Ch. 331, Maine Public Assistance Manual (TANF) Chapter VI, for additional information on Fair Hearings and Administrative Hearings and Intentional Program Violations.
1. The request for an administrative hearing must be made within thirty (30) calendar days of the issuance of the notice of action which is disputed. If the disputed decision involves the suspension or termination of transportation services which have previously been provided, and the participant requests an administrative hearing within ten (10) days of the notice, transportation services will continue pending the outcome of the administrative hearing. In no event, however, will the participant have access to continued Program services pending appeal if the participant violated a term of the Agreement specific to vehicle access.
  2. The hearing will be conducted in accordance with the rights and procedures set forth in 10-144 C.M.R. Ch. 1 *et seq.*

**END OF SECTION**

**10-144**

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**OFFICE FOR FAMILY INDEPENDENCE**

**CHAPTER 607**

**ASPIRE-TANF PROGRAM RULES**

**Effective November 6, 2001**

**Last Amended: XXXXX, 2020**

## Table of Contents

Section Number	Title	Pages
<b>Section 1</b>	Definitions	1-1 thru 1-6
<b>Section 2</b>	Authorization; Philosophy; Goals and Objectives; Administration	2-1 thru 2-6
<b>Section 3</b>	Participation; Participant Performance Requirements Participant Satisfactory Progress; Program Performance Requirements; Scheduling Appointments	3-1 thru 3-8
<b>Section 4</b>	Confidentiality, Participants' Rights and Responsibilities, Good Cause; Fair Hearings, Sanctions, Intentional Program; Violations, Overpayment Procedures	4-1 thru 4-10
<b>Section 5</b>	Work Evaluation	5-1 thru 5-5
<b>Section 6</b>	Case Management	6-1 thru 6-2
<b>Section 7</b>	Family Contract Amendment (FCA)	7-1 thru 7-2
<b>Section 8</b>	Pre-Training	8-1 thru 8-2
<b>Section 9</b>	Field Training	9-1 thru 9-3
<b>Section 10</b>	Education and Training	10-1 thru 10-3
<b>Section 11</b>	Work Activity Services	11-1 thru 11-3
<b>Section 12</b>	Job Search Activities	12-1 thru 12-3
<b>Section 13</b>	Employment	13-1 thru 13-8
<b>Section 14</b>	Support Services and Payment Provisions for Services	14-1 thru 14-9
<b>Section 15</b>	Reduction of ASPIRE-TANF Services when Funding is Inadequate	15-1 thru 15-2
<b>Section 16</b>	Parents as Scholars Program	16-1 thru 16-5
<b>Section 17</b>	TANF Time Limit Extensions	17-1 thru 17-9
<b>Section 18</b>	Working Cars for Working Families	18-1 thru 18-13



---

**INDEX**


---

<b>Subject</b>	<b>Section</b>	<b>Subsection</b>	<b>Pages</b>
<b>A.</b>			
Adult entertainment	4	IX	4-10
apprenticeship	13	II.B.	13-1
ASPIRE-Plus	13	II.A.	13-1,2,3,4
assessment	5		5-1 thru 5
auto liability insurance	14	II.D.	14-5
auto repairs	14	II.C.	14-4
auto purchase program	18		18-1 thru 18-13
<b>B.</b>			
books and supplies	14	II.H.	14-5
<b>C.</b>			
case management	6		6-1,2
child care	14	II.A.	14-1 thru 3
clothing and uniforms	14	II.I.	14-6
confidentiality	4	I.	4-1, 2, 3
<b>D.</b>			
definitions	1		1-1 thru 6
dental care	14	II.F.	14-5
displaced employee grievances	13	IV.	13-6 thru 8
<b>E.</b>			
education and training	10		10-1 thru 3
education, procedures	10	III.A.-J.	10-2, 3
education, training expenses	14	II.G.	14-5
education, types of	10	II.A.-D.	10-1, 2
employment	13		13-1 thru 8
extensions	17	I-VI	17-1 thru 17-9
eye care	14	II.D.	14-5

	<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>
<b>F.</b>	fair hearings	4	V.	4-6, 7
	family planning	8	E.2.a.	8-2
	Family Contract	2	IV.C.2.a.	2-5
		7	I.B., C.	7-1, 2
		7	II.A.-E.	7-2
		8	I.B.,C.,D.	8-1
		12	I.	12-1
		14	I.A.,B.,D.,F.	14-1 thru 14-9
	15	II.	15-1, 2	
	fee-for-service agreements	14	II.L., M., N.	14-6, 7
field training	9		9-1, 2, 3	
Fraud investigation and Recovery Unit (FIRU)	1		1-3	
<b>G.</b>	Gambling facility	4	IX	4-10
	GED preparation and training	8	C.	8-2
	good cause	4	III.	4-4, 5
<b>H.</b>	high school diploma programs	8	B.	8-2
<b>I.</b>	Intentional Program Violation (IPV)	4	IX	4-10
<b>J.</b>	job readiness activities	8	E.	8-2
	job search	3		3-2, 4
		3		3-6, 7
		12		12-1, 2, 3
<b>K.</b>				
<b>L.</b>	life management skills	8	E.1.	8-2
	Liquor sales	4	IX	4-10

	<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>	
<b>M.</b>	MaineServe	3	IV.A.3.	3-6	
			IV.B.2.	3-6	
		11	I.A.-O.	11-1,2	
			II.A.-C.	11-3	
	Matriculation	16		16-1	
<b>N.</b>	non-traditional employment	13	II.D.	13-2	
			III.D.	13-6	
<b>O.</b>	occupational expenses	14	II.J.	14-6	
	on-the-job training (OJT/ASPIRE-Plus)	13	II.A. III.	13-1 13-2, 3,4	
	orientation	2		2-5, 6	
		3		3-8	
		5		5-1	
		7		7-2	
	Overpayment Procedures	4	VIII.	4-9, 10	
	<b>P.</b>	parenting education	8	E.2.C.	8-2
		Parents as Scholars	16		16-1 thru 5
		participant's performance requirements:			
Single Parent Household		3	II.A.	3-1, 2	
Two Parent Household		3	II.B.	3-3, 4	
Teen Parents		3	II.B.	3-2	
participants' rights and responsibilities		4	II.	4-3, 4	
participants' satisfactory progress		3	III.A.,B.	3-4, 5	
participation		3	I.A.	3-1	
payment of support services		14	IV.	14-8, 9	
period of enrollment		2	IV.C.3.c.	2-6	
		14	I.F.	14-1	
		14	II.D.	14-4	
	14	II.F.	14-5		
	14	II.J.,K.	14-7		

<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>
pre-training program:	8		8-1, 2
administration	2	IV.	2-3 thru 5
authorization	2	I.	2-2
goals and objectives	2	III.	2-3
performance requirements - single parent family	3	IV.	3-5, 6
performance requirements - two parent family	3	IV.	3-6, 7
<b>Q.</b>			
<b>R.</b>			
relocation costs	14	II.K.	14-6
remedial education	8	D.	8-2
responsibilities of:			
ASPIRE-TANF staff	2	IV.C.3.	2-5
OFI eligibility staff	2	IV.C.2.	2-4, 5
return of purchased goods	14	II.M.	14-7
<b>S.</b>			
sanctionable acts	4	VI.	4-8, 9
scheduling procedures	3	VI.	3-7, 3-8
self-employment	13		13-2
	13		13-4, 5
service delivery areas	15		15-1, 2
service reduction	15		15-1, 2
suitable employment	13	III.E.	13-5, 6
support services	14		14-1 thru 9

<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>
<b>T.</b>			
Transitional Employment for Maine Parents (TEMP)	11	I., III.	11-1, 2, 3
transportation	14	II.B.	14-3, 4
two parent family	3	II.C.	3-3, 4
<b>U.</b>			
<b>V.</b>			
<b>W.</b>			
work activities	1 3	IV.	1-5 3-5 thru 7
work activity services	11	11-1, 2, 3	
work evaluation	2 5 13	IV.C.3.b. I.A.	2-5 5-1 thru 5 13-1
work experience	3	IV.	3-5 thru 7
work readiness activities	8	II.E.2.	8-2
Working Cars for Working Families	18		18-1 thru 18-13
<b>X.</b>			
<b>Y.</b>			
<b>Z.</b>			

(XXX , 2020)

1-1

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 1: DEFINITIONS AND DESCRIPTIONS**

**Summary:** This section describes organizational units, programs, acronyms and significant terms pertaining to the ASPIRE-TANF program.

**DEFINITIONS**

Organizational units, programs, and their acronyms, and other significant terms pertaining to ASPIRE-TANF are defined below:

**Alternative Education** — An educational program that embraces subject matter or teaching methodology that is not generally offered to students of the same age or grade level in traditional school settings.

**ASPIRE-Plus** — ASPIRE-Plus is an On-the-Job training program that provides an employer subsidy for up to 26 weeks, depending on the length of training time needed, of up to 50 percent of the hourly wage paid by the employer.

**ASPIRE-TANF** — "ASPIRE-TANF" stands for Additional Support for People in Retraining and Employment - Temporary Assistance for Needy Families. ASPIRE is the welfare employment and training program created by the Governor and the Maine Legislature in July 1988, to provide case management, education, training, support and employment services to help TANF recipients to find or create jobs in the local labor market.

**ASPIRE-TANF Unit** — A unit within the Department of Health and Human Services, Office for Family Independence, or an agent or contractor thereof, which provides ASPIRE-TANF services to TANF participants. These services include but are not limited to Assessment, prevocational activities, support services, Good Cause determination, case management and employment services.

**Assessment** — An individualized process designed to integrate the array of ASPIRE-TANF services with the educational and vocational needs, interests and abilities of each participant.

**Basic Literacy Level** — The capability to read and write at a level equivalent to an 8th or 9th grade level as demonstrated either by an educational achievement test; maintaining a grade point average of at least 2.0 at a post-secondary institution; or having passed the reading portion of a high school equivalency test.

**Case Management** — The process of identifying the needs of the participant and the participant's family, coordinating services appropriate to meet those needs, and monitoring the participant's progress through ASPIRE-TANF so the participant can gain the skills and support to obtain employment.

**Child care, affordable\*** — Affordable child care arrangements are those for which the participant incurs no cost or is reimbursed by another program such as ASPIRE or through a deduction for child care from income by the TANF program or by any combination of these methods.

**Child care, appropriate\*** — Appropriate child care is affordable child care furnished by a child care provider, of the participant's choice, who has passed background checks as required by 22 M.R.S.

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\* these definitions apply only to single parents with a child under age 6

(XXX , 2020)

1-2

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

§§ 8301-A and 8302-A.

**Child care, reasonable distance\*** — Reasonable distance means that the ASPIRE participant is required to commute no more than 15 additional miles between home and work activity in order to transport the child to the child care provider.

**Child care, unsuitability of informal care\***

— Unsuitable child care is that provided by an individual who cannot pass a required background check or is unaffordable or would require the ASPIRE participant to travel an unreasonable distance.

**Component** — Education, training and employment activities approved by ASPIRE-TANF including — pre-training; educational activities through post-secondary level; job skills training; job readiness activities; group and individual job search; on-the-job training; and community work experience.

**Department of Health and Human Services (Department or DHHS)** — The agency authorized by Federal statutes to administer the ASPIRE-TANF program and other programs within the Office for Family Independence.

**Education** — Activities including remedial-education, high school or equivalency, and post-secondary certificate programs designed to prepare the participant for employment.

**Exempt from the Time Limit** — A month or months that do not count against a participant's 60-month time limit.

**Exempt from Work Participation** — A TANF recipient who is not required to participate in ASPIRE-TANF in accordance with Federal or State regulations.

**Extension** — A one to six-month time period during which TANF benefits may be received, based on hardship, approved by the Department. An extension allows a household to receive benefits past its 60-month time limit, when the recipient is complying with program rules and meets all other TANF eligibility requirements.

**Fair Hearing (also known as an Administrative Hearing)** — A hearing conducted before a Department of Health and Human Services hearings officer in which a participant has an opportunity to dispute a decision made by the Department. The hearings officer's decision is binding on all parties involved in the particular case.

**Family Contract** — A form signed by a representative of the Department and each TANF caretaker relative that states the responsibilities of the parties to the agreement, including but not limited to cooperation in child support enforcement and determination of paternity, and the requirements of program participation. The contract may also include referral to parenting activities and health care services where the need for such services has been established.

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\* these definitions apply only to single parents with a child under age 6

(XXX , 2020)

1-3

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**Family Contract Amendment (FCA)** — The binding agreement ASPIRE participants enter into with the Department, ASPIRE Unit, pursuant to 22 M.R.S. § 3788 (4-A). In these agreements, specific action steps are listed that both the Department and the participant agree to perform. ASPIRE support services to be provided are listed in the FCA.

**Federal Department of Health and Human Services, Administration for Children and Families, Office of Family Assistance (HHS/ACF/OFA)** — The federal agency that administers and regulates the TANF Program and other programs of the Department of Health and Human Services, Office for Family Independence, and provides block grant funds for these programs.

**Field Training** — A non-wage, time limited, training placement with a public, private non-profit or profit employer which enables the participant to explore a preliminary career decision, gain experience in the work world and/or improve specific job skills.

**Fraud, Investigation and Recovery Unit (FIRU)** — the unit in the Department responsible for investigating allegations of misuse, fraud, and over-payments. The unit also is responsible for seeking repayment when appropriate or referring the matter to the Attorney General's office for prosecution.

**Food Supplement Employment and Training (FSET)** — The employment and training program administered under 7 C.F.R. § 273.3, 22 M.R.S. § 3104, and 10-144 C.M.R. chapter 609, that provides case management, education, training, supports and employment services to help Food Supplement recipients find and keep jobs.

**Gainful Employment** — Activities that a person can perform which are intended to provide an income and which are a source of consistent revenue for the worker, such as a steady job.

**Good Cause** — Acceptable reasons, as determined by the Department of Health and Human Services, for a participant's failing or refusing to participate in ASPIRE-TANF or in a particular ASPIRE-TANF component.

**Higher Opportunity for Pathways to Employment (HOPE)** — The program administered under 22 M.R.S. § 3790-A, and 10-144 C.M.R. chapter 330, that provides support services such as child care and transportation and voluntary student navigation services to help low income students who are parents of minor children.

**Intentional Program Violation (IPV)** — An IPV occurs when an individual has purposely misused "cash benefits" or other benefits, and/or misrepresented actual circumstances in order to receive benefits, and the individual would not have been eligible had the proper information been available at the time of application, redetermination of eligibility, or within ten days of the change in circumstances. An IPV will result in a referral to the Fraud, Investigation and Recovery Unit (FIRU) for further review and recovery.

**Job Club** — A structured and supervised job search group which assists participants in their efforts to obtain and retain employment.



(XXX , 2020)

1-4

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**Job Development/Placement** — Specific actions by ASPIRE-TANF or a service provider in identifying subsidized and unsubsidized jobs, marketing participants based on their career goals for those jobs and securing job interviews for participants.

**Job Readiness** — Pre-training activities focusing on life management skills, work maturity skills, work place expectations and work behavior and attitudes necessary to succeed in the labor market.

**Job Search** — Counseling and pre-employment training on job-seeking skills either individually or in groups. The group "Job Club" is the preferred job search activity.

**Job Skills Training** — Vocational training focusing on the required skills, knowledge and abilities of a specific occupation or business.

**MaineServe** — A community service program designed to provide parents who are eligible for TANF opportunities to serve their communities and the State in a manner that assists them in developing and renewing their skills in ways that may lead to employment that is sufficient to sustain their families.

**Matriculation** — For the Parents as Scholars Program, matriculation is defined as acceptance and enrollment into any two-year or four-year academic program in an institution of post-secondary education.

**Net Loss of Cash income** — Net loss of cash income results if the family's gross income, less necessary work-related expenses, is less than the TANF benefit and any other cash assistance the participant was receiving at the time the offer of employment is made.

**Non-Compliance** — Failure of a mandatory ASPIRE recipient to sign or abide by the terms of the Family Contract Amendment without Good Cause, which will result in termination of benefits to the individual for the lesser of ninety (90) days or until the failure to comply ceases.

**Office for Family Independence (OFI)** — The organizational unit with the Department of Health and Human Services which administers the ASPIRE-TANF program. OFI also administers the following services: TANF, Food Supplement Benefits (SNAP), General Assistance, MaineCare, HOPE, Support Enforcement and Recovery, and Emergency Assistance.

**On-the-Job Training (OJT)** — A means by which a participant is hired and trained in a specific occupation by a private or public employer who receives a partial reimbursement of wages paid for providing skills and training necessary to perform the job (See ASPIRE-Plus).

**Order of Reference** — A document in which the Department's Commissioner gives specific instructions to the Office of Administrative Hearings regarding the issues to be addressed at hearing and the handling of a hearing request. These instructions may include, but are not limited to, an instruction that the Hearing Office issue recommended findings and a recommended decision with the authority to make the final findings and decision reserved to the Commissioner.

(XXX , 2020)

1-5

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**Parents as Scholars Program (PaS)** — A student aid program based on need for up to 2,000 participants, to aid needy students who have dependent children and who are matriculating in post-secondary undergraduate 2-year and 4-year degree-granting education programs.

**Participant** — A TANF recipient who is involved in ASPIRE-TANF activities.

**Period of Enrollment** — The time frame from the opening of activity with the ASPIRE-TANF program, until participation with ASPIRE-TANF is ended.

**Pre-Training** — Activities designed to prepare the participant for occupational skills training, post-secondary education and employment. Such activities include secondary education programs, job readiness activities, employment counseling, field training, self-employment evaluation, and referral to services to improve life-management skills.

**Sanctions** — Actions taken by the Department of Health and Human Services as a result of a participant's failing or refusing to participate in ASPIRE-TANF without Good Cause. These actions generally cause a reduction in TANF and Food Supplement benefits for a specified time period for participants who are not exempt, and a loss of services for a specified time for voluntary participants.

**Satisfactory Progress** — The requirement that a participant meet standards of performance imposed by an educational or training institution and by ASPIRE-TANF while participating in an education or training activity.

**Support Services** — Services such as child care, transportation, eye and dental care, which enable the participant to complete the Family Contract Amendment and take employment.

**TANF Recipient** — An individual whose family's financial needs are met in part with TANF payments in accordance with the Maine Public Assistance Manual.

**TANF Single Parent Family** — A TANF family which receives benefits under the program authorized in the Federal Social Security Act, as amended by the *Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996*, and the *Deficit Reduction Act (DRA) of 2005*, whose children are deprived of parental support or care by reasons other than the underemployment of the parent who is the principal wage earner, or the incapacity of a parent.

**TANF Two Parent Family** — A TANF family which receives benefits under the program authorized in the Federal Social Security Act, as amended by the *Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996*, and the *Deficit Reduction Act (DRA) of 2005*, whose children are deprived of parental support or care either by reason of the underemployment of the parent who is the principal wage earner, or by reason of incapacity of a parent.

**Time Limit** — The limit of 60 months during which a family may receive TANF assistance in the absence of the family qualifying for a time limit exemption or extension.

(XXX , 2020)

1-6

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**Training and Work Site Agreement** — An agreement which is included as part of the Family Contract Amendment and which stipulates specific performance requirements for a participant enrolled in education, training and/or work experience.

**Transitional Employment for Maine Parents (TEMP)** — a volunteer work experience position.

**UP** — Unemployed Parent refers to the cases where TANF eligibility is based on the unemployment or under-employment of one of the parents in the household.

**Up-front Job Search** — Newly-granted TANF recipients who are considered job-ready, and who are eligible for TANF based on unemployment of the primary wage earner or single parent recipients whose children are 5 years of age or older, may participate in individual or group job search activities during the work evaluation phase of involvement with ASPIRE-TANF.

**Voluntary Participant** — A TANF recipient who is not required to participate, by Federal or State regulations but chooses to enroll in ASPIRE-TANF.

**Work Activities** — Work activities are those activities that are allowable under PRWORA (Sec. 407, (d)), and are listed in this manual in Section 3 (IV)(A)(3) and (IV)(B)(2).

**Work Eligible Individual (WEI)** — An adult, or a minor child, who is a head of household, receiving assistance under TANF or a separate State program, who is not otherwise exempted from meeting a work requirement.

**Work Evaluation** — Consists of all activities related to Assessment, employability plan development and initial amendment to the Family Contract Amendment. Work evaluation is limited to a maximum of 90 days, unless extended by the Commissioner (or the designee of the Commissioner).

**Work Experience** — This is a generic term used to describe a variety of experiential activities (such as TEMP, On-the-Job Training, Community Service, etc.) that lead to, or include, employment.

**Work Readiness Activities** — These activities include job shadowing, job coaching, mentoring, situational assessment, and any other activity that will encourage obtaining or retaining employment.

**Working Cars for Working Families** — Transportation assistance program which assists participants in obtaining and maintaining sustainable employment by providing them with access to reliable, affordable transportation. This program is designed to be an employment support and to comply with applicable federal TANF regulations.

**END OF SECTION**

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 18: WORKING CARS FOR WORKING FAMILIES**

**SUMMARY:** This section describes the Working Cars for Working Families Program (referred to in this Section as “the Program”), which is created to provide transportation for low-income individuals to obtain and retain employment. This Section establishes the Program, sets out eligibility and ongoing participation criteria, and describes the application and decision-making processes.

**I. AUTHORIZATION**

The Department is authorized to operate the Working Cars for Working Families Program by 22 M.R.S. § 3769-F.

**II. PHILOSOPHY**

The purpose of the Program is to assist participants in obtaining and maintaining sustainable employment by providing them with access to reliable, affordable transportation. The Program is designed to be an employment support and to comply with applicable federal TANF regulations.

**III. ADMINISTRATION**

- A. General — Subject to the availability of funds, the Department shall administer the Working Cars for Working Families Program in accordance with this Section. The Program shall endeavor to provide long-term transportation solutions to eligible program participants, and the Department may exercise its discretion in determining the most effective and efficient way to achieve that goal with the limited resources and time period provided under statute. In such exercise of its discretion, the Department may determine that the Program will include different transportation options. Such options may include, without limitation—furnishing purchased or donated vehicles to participants; coordinating public or private transportation; facilitating car shares among participants; ride or shuttle service; or providing driver instruction or education. These rules include some provisions that expressly apply only to certain such options, but nothing in these rules or in those specific provisions shall be construed to require the Department to provide such options.
- B. Definitions –
1. For purposes of this Program, “sustainable employment” is employment that leads or is expected to lead to a family ending its financial need for cash assistance, including TANF, PaS, and Alternative Aid. “Employment” within the meaning of this Section does not include self-employment or any form of employment that involves a subsidy to the employer.
  2. For purposes of this Program, “earned income” is as defined in 10-144 C.M.R. Ch. 331 Introduction and Definitions and limited by Subsection III (B) of this Section.
- C. Funding Contingencies — Pursuant to authorizing statute, funding for the Working Cars for Working Families Program is limited to \$6,000,000 allocated from the federal TANF block grant accrued prior to state fiscal year 2017-2018. If the Department finds that its continued

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

administration of the Program will or is reasonably likely to exhaust that funding before June 30, 2022, it will follow the procedures in this subsection to minimize the impact on program participants.

1. If funding allows, the Department shall stop accepting or processing new applications or Transportation Program Agreements (see Subsection VII), and shall continue to honor all current, signed Agreements to their completion date.
2. If funding is not sufficient to maintain current programming as described in subparagraph 1, the Department shall reduce specific transportation services and/or the frequencies with which such services are provided, giving as much advance notice to affected program participants as is reasonably practicable. The Department shall effectuate reductions and eliminations under this subsection on a generalized and categorical basis, and shall not make case-by-case elimination or reduction decisions.
3. If funding is not sufficient to maintain current programming as provided in subparagraph 1 or to equitably reduce or eliminate programming as provided in subparagraph 2, the Department shall terminate all Transportation Program Agreements and end all services, providing as much advance notice to program participants as is reasonably practicable.
4. The Department will notify program participants of reductions or program termination no less than fourteen (14) calendar days in advance of the reduction or termination of service.
5. Categorically applicable denials, reductions, and service terminations based on funding limitations are not subject to administrative appeal.

**IV. ELIGIBILITY DETERMINATION PROCESS**

A. General — The Department shall determine program eligibility and enrollment as follows:

1. The Department shall determine whether an application meets the financial and nonfinancial program eligibility criteria set out in Subsection V;
2. If the Department finds that an application meets the eligibility criteria, it will notify the applicant, and schedule and conduct an in-person assessment with the applicant, in accordance with Subsection VI; and
3. If the Department finds that Program participation is appropriate for the applicant, it will determine whether there are available Program resources that would remediate the applicant's transportation barriers.

B. Application — To facilitate the process described in Subsection IV (A), the Department shall develop a uniform application for the Program, which will allow the Department to evaluate an applicant's eligibility under Subsection V. The application will also include a list of

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

transportation services that may be available, from which the applicant may indicate the specific service(s) sought. Applicants may submit completed applications at any of the Department's regional offices or at statewide offices where ASPIRE services are provided.

- C. Enrollment — The Department shall determine whether an applicant may receive transportation services under this Section—and if so, what specific services to provide—based on the following:
1. The Department's review of the applicant's eligibility under the Basic Eligibility Criteria in Subsection V, including the applicant's timely production of any necessary or requested verifications that confirm such eligibility;
  2. The applicant's timely compliance with requests for verification and attendance at the scheduled assessment;
  3. The Department's review of the applicant's transportation needs, employment situation, and suitability for the Program, in accordance with Subsections V and VI; and
  4. The availability of Program resources, and non-program alternatives, that will reasonably address the applicant's transportation needs.

If in its evaluation of factors 1-4, the Department determines that participation in the Program is appropriate, it will notify the applicant in accordance with Subsection IV (D). Program enrollment and service delivery shall not occur until the qualified applicant has executed a Transportation Program Agreement under Subsection VII (A).

- D. Decision — The Department will issue a written determination of eligibility at the conclusion of its evaluation. If the applicant is not deemed eligible and qualified for the program pursuant to Subsections V or VI, or if the Department determines that the applicant will receive a transportation service that is not the applicant's first preference, then the notice will identify the reason(s) for the denial or for the particular service selection. The decision will be provided to the applicant within thirty (30) calendar days of the date the Department receives the completed written application, provided the applicant has replied to requests for verifications in a timely manner and attended the scheduled assessment. The notice of decision will include information on appeal rights when applicable.
- E. Waitlist — If the transportation service that an eligible individual requires is not immediately available, the Department will maintain a waitlist that will include the individual's contact information, affirmative eligibility determination, and service request. When the service becomes available, the applicant will be contacted by their preferred method of contact that the individual stated during their Assessment (e.g., telephone, text, email, written postal mail). If the individual does not respond to that preferred method of contact within two (2) business days, they will be mailed a written notice, which, if more than sixty (60) days after the applicant's first assessment, will include the date and time of a new Assessment appointment. If the waitlisted participant fails to contact the Program within ten (10)

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

business days of the date the notice was issued by the Department, the individual will be closed from the Program and removed from all Program waitlists.

**V. BASIC ELIGIBILITY CRITERIA**

- A. Financial Eligibility — Applicants must meet one of the following financial eligibility requirements to receive transportation services as part of the Program:
1. As of the date of application, the applicant must be an included member of an open case in Maine for, and be receiving, federally-funded TANF or TANF-PaS; or
  2. The applicant's filing unit (within the meaning of the Maine Public Assistance Manual, Chapter II) must have gross income at or below the gross income standard applicable to Alternative Aid applicants, pursuant to the Maine Public Assistance Manual, Chapter IX.
- B. Transportation Need — To be eligible for the Program, applicants must demonstrate that adequate reliable transportation is their primary barrier to obtaining or retaining sustainable employment. In assessing this need, the Department may require an applicant to make a written statement as part of the application, explaining the applicant's transportation limitations and how they impact job prospects. Determining whether an applicant meets this eligibility criterion will require the Department to consider the facts and circumstances of each individual applicant. At a minimum, the applicant shall provide details concerning, and the Department shall consider, the following:
1. Employment Circumstances — The applicant must have a reasonable likelihood of obtaining or retaining sustainable employment by participating in the Program. An applicant may meet this requirement by showing the following, or making a similar showing:
    - a. The applicant is actively working thirty (30) or more hours per week, resulting in weekly earned income equal to or in excess of the State of Maine's minimum wage;
    - b. The applicant has a job offer, or offers, that would combine for thirty (30) hours average weekly employment, resulting in earned income equal to or in excess of the State of Maine's minimum wage;
    - c. The applicant has at least one pending job application for a position the applicant is qualified for and prepared to accept, within an hour commute of the applicant's residence;
    - d. Within the last thirty (30) days there have been, or there currently are, at least three posted positions, for which the applicant is qualified and that they would have applied to but for transportation limitations, within an hour commute of the applicant's residence; or

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- e. Within thirty (30) days of Program application the applicant will receive a credential, certification, degree or other similar qualification that will enable the applicant to apply for and accept employment within a field that has had in the last thirty (30) days at least three posted positions within an hour commute of the applicant's residence for which the applicant will be qualified upon receipt of the new credential.
2. Transportation Limitations. An applicant will be eligible for the Program only if they do not have access to sufficient transportation to maintain or obtain sustainable employment. An applicant is not eligible for the Program, if—
    - a. They own a vehicle in reliable running condition. The Department will verify an applicant's lack of ownership by searching for active registration with the State of Maine, Bureau of Motor Vehicles (BMV) and with the BMV or any like agency of any other state where the applicant lived within twelve (12) months of applying. If the applicant contends that their vehicle is not in reliable running condition, the Department will require a written statement from a State of Maine licensed vehicle inspection station;
    - b. Another adult living with the applicant owns a vehicle in reliable running condition and does not use the vehicle for work or child care that conflicts with the applicant's actual or anticipated employment schedule. The Department will verify such lack of ownership by searching for active registration with the State of Maine, Bureau of Motor Vehicles. If the applicant contends that the household vehicle is not in reliable running condition, the Department will require a written statement from a State of Maine licensed vehicle inspection station;
    - c. Available public transportation can reliably and consistently accommodate the applicant's actual or anticipated schedule of employment hours and child-care-provider-required pick up and drop off times, with an average commute time of no longer than one (1) hour each way; or
    - d. They have consistent access to any other form of reliable transportation that does not limit the applicant's ability to accept new employment, increase hours, change their work schedule, or meet child care needs.

C. Additional Nonfinancial Requirements—

1. Applicants must meet all of the non-financial eligibility criteria for federally-funded TANF benefits described in Maine Title 10-144 C.M.R. Ch. 331 chapter II with the following exceptions:

- a. Establishing Paternity and Assignment of Rights to Support



**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

b.ASPIRE-TANF

NOTE: This exception does not waive any requirements to participate with ASPIRE based on participation in other TANF-funded programs.

1.2. No applicant is eligible to participate in the Program if at the time of application or subsequent to the application—

- a. The applicant or another member of the applicant's TANF filing unit has received three (3) or more Department sanctions including from, without limitation—ASPIRE, Division of Support Enforcement and Recovery (DSER), and Quality Control (QC) in the last twenty-four (24) calendar months; or
- b. The applicant or another member of the applicant's TANF filing unit has had an Intentional Program Violation (IPV) for any needs-based benefit program in Maine, or any other state within the United States.

2.3. Applicants who are mandatory ASPIRE Program participants must meet the following conditions:

- a. Be in compliance with the terms of their Family Contract Amendment;
- b. Not have a current sanction for failing to comply with the ASPIRE Program;
- c. Not be exempt from ASPIRE work participation requirements. This limitation includes federally allowed exemptions of caring for a disabled family member, or caring for a child under the age of one (1); and
- d. One of the following:
  - i. Have been successfully meeting the ASPIRE work participation requirements without need for good cause for each of the previous three months, or since beginning participation with ASPIRE, whichever is shorter; or
  - ii. Have had employment of an average of thirty (30) hours per week resulting in weekly earned income equal to or in excess of the State of Maine's minimum wage for each of the previous three months, or since beginning participation with ASPIRE, whichever is shorter; or
  - iii. During the relevant period, have attended full time (as defined by the institution) college courses that resulted in an Associate's or Bachelor's Degree, or attended a training or education course(s) for an average of thirty (30) hours per week that resulted in a work credential.

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

3.4. Individuals who are not mandatory ASPIRE Program participants must meet the following conditions:

- a. Qualify as a member of a TANF filing unit, in which a qualifying specified relative is maintaining a home for a child under the age of eighteen (18), or who is eighteen (18) and attending school full time. The provisions of the Maine Public Assistance Manual, Chapter II, apply to determine whether an applicant meets the qualifications under this subsection;
  - b. Be actively working thirty (30) or more hours per week, resulting in weekly earned income equal to or in excess of the State of Maine's minimum wage before receiving any transportation service under the Program; and
  - c. Attend a Program orientation and comply with all requirements associated therewith before receiving any transportation service under the Program.
- D. Additional Eligibility Criteria for Vehicle Access—Applicants requesting to receive access to a vehicle through the Program must meet additional eligibility requirements to receive the service. Applicants otherwise meeting the eligibility criteria in this section may receive other transportation services available through the Program until satisfying the following criteria:
1. Have a current valid driver's license in any state in the United States;
  2. Be at least twenty-one (21) years of age;
  3. Demonstrate the ability to responsibly own and maintain a vehicle. This demonstration includes completion of each of the following courses prior to vehicle delivery, if the Department provides them:
    - a. Driver safety course (Maine Driving Dynamics);
    - b. Vehicle ownership orientation; and
    - c. Vehicle ownership course including financial preparation.
  4. Not have been convicted of any of the following offenses, as determined by self-attestation and a background check:
    - a. Operating Under the Influence (OUI), Driving Under the Influence (DUI) or Driving While Intoxicated (DWI) in the past ten (10) years;
    - b. More than two (2) moving violations or at-fault accidents in the past five (5) years;

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- c. Any moving violation in the six (6) months immediately preceding Program enrollment; or
    - d. Any crimes of violence leading to bodily injury of another.
  - 5. Make a down payment to the Department in the amount equivalent to three (3) monthly premium payments, as provided in Subsection VII (C)(2). This payment may be made in no more than three (3) installments, over no more than three (3) months, and may not be waived. Participants may not receive ASPIRE, FSET, or HOPE support services to cover the down payment.
- E. Verifications — Except where otherwise specified, above, and unless the Department can obtain verification through its own records or the records of its agents, the Department shall require written or third-party verification of any factor impacting Program eligibility. Failure to respond to requested verifications within ten (10) business days may result in a denial.

**VI. ASSESSMENT**

- A. General — As part of the determination of Program eligibility, the Department will conduct an assessment of the applicant to evaluate the applicant's qualifications, particularly with regard to their transportation need, as set out in Subsection V(B). Provided that all eligibility criteria are satisfied, the assessment will also evaluate available transportation service options to determine the option best suited to an applicant's particular situation. The Department may determine, as a result of the assessment, that the applicant may receive program services that are different from the applicant's initial request.
- B. Format and Scheduling — The assessment will be scheduled verbally or by a written scheduling notice and shall be conducted in person between the applicant and the Department. Failure to attend a scheduled assessment without providing twenty-four (24) hours of advance notice and rescheduling at a mutually agreed time no more than one week after the original date may result in a denial. The Department may, but is not required to, verbally notify the applicant at the time of the assessment that they are eligible for the Program and suitable for an available option. If such a determination is appropriate, the Department and the applicant shall execute a Transportation Program Agreement at that time, and the Department may begin providing Program services immediately, as appropriate. If the Department makes such a determination at the time of the assessment, and the applicant executes a Transportation Program Agreement, the applicant may, at their sole option, elect not to receive a separate written decision about Program eligibility under Subsection IV (D).
- C. The Department shall discuss the following with the applicant during the Assessment:
  - 1. Any information in or missing from the application that is relevant to eligibility criteria set out in Subsection V;
  - 2. Any information in or missing from requested verifications;

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

3. The applicant's current employment status, including details concerning earnings and scheduled work hours;
4. The applicant's employment history from the past twenty-four (24) months, to include self-employment and subsidized employment;
5. Transportation resources currently available to the applicant;
6. The applicant's method of transportation used in the past twelve (12) months;
7. The applicant's current or anticipated travel route to child care and employment;
8. Details of any vehicles owned or registered to the individual to include, but not limited to, outstanding loans, year, make, model, mileage, condition, current status of title, registration, inspection, liens, and insurance;
9. Driving background to include a review of a background check which shall include searches of the State Bureau of Investigation (SBI) and Maine's Bureau of Motor Vehicles (BMV) records;
10. Any other matter that impacts the applicant's Program eligibility or suitability for a service or set of services; and
11. Information on the applicant's preferred method of contact.

**VII. PARTICIPATION AND CONTINUED ELIGIBILITY REQUIREMENTS**

- A. Program Agreement — Prior to receiving any services under the Program, and before any changes to services can take effect for ongoing cases, participants must execute with the Department a Transportation Program Agreement (Agreement).
  1. Form and Duration — The Agreement must be reviewed and renewed no less often than once every six (6) months, or whenever there is a material change in a participant's employment or transportation circumstances.
  2. Effect — The participant shall comply with the terms of their Agreement, and failure to do so may result in termination of enrollment, per Subsection VIII, a Program overpayment, per the Maine Public Assistance Manual, Chapter VI, and/or an Intentional Program Violation (IPV), per the Maine Public Assistance Manual, Chapter VI.
  3. Content — Each Agreement shall be tailored to the facts and circumstances of the Program participant. In addition, all Agreements must include the following:
    - a. An attestation by the participant that they do not have sufficient access to reliable transportation to allow the them to retain or obtain sustainable employment;

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- b. A commitment that the participant will report to the Department immediately if they determine that they cannot meet the requirements of the program;
  - c. A commitment that, once enrolled in the program, the participant will not voluntarily reduce hours of employment below the average of thirty (30) hours per week;
  - d. A commitment that the participant will report changes of employment circumstances (including without limitation — employer, hours, schedule, and earnings), the availability of alternative transportation options, and contact information to the Department within ten (10) days of their becoming aware of the change;
  - e. A commitment that the participant will attend in-person meetings with the Program as scheduled, and no less often than once a month during the first six (6) months of program participation; and
  - f. A commitment that the participant will not engage in disruptive conduct during any program-coordinated transportation service.
4. Content Specific to Vehicle Access Services — Prior to receiving such service under the Program, participants eligible for and seeking to gain access to a vehicle under the Program must execute an Agreement that, in addition to the provisions specified in Subsection VII (A)(3), includes—
- a. A commitment to use the vehicle primarily for purposes of commuting to and from work;
  - b. A commitment not to sell or trade the vehicle during Program participation, without prior authorization in writing from the Director of the Office for Family Independence or their designee;
  - c. A commitment not to allow other members of the household to drive the vehicle;
  - d. A commitment not to use the vehicle for income producing transportation services or for transportation services which result in mileage reimbursement for transporting others;
  - e. A commitment to operating the vehicle in compliance with all applicable traffic and parking laws;
  - f. A commitment not to operate the vehicle under the influence of alcohol, illegal drugs, or prescription drugs that impair a person's ability to operate motor vehicles;

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- g. A commitment not to consume alcohol, illegal drugs, or prescription drugs that impair a person's ability to operate motor vehicles while in the vehicle, whether or not the vehicle is running;
  - h. A commitment to report any accidents, thefts, or similar types of incidents involving the vehicle to law enforcement immediately;
  - i. A commitment to protect the vehicle from theft and vandalism by locking the vehicle and parking in well-lit areas, to the extent possible;
  - j. A commitment to conduct routine maintenance on the vehicle as necessary, including but not limited to, regular cleaning of the interior and exterior of the vehicle, oil changes, and maintaining fluid levels;
  - k. A commitment not to operate the vehicle when it is in an unsafe condition or in need of repairs, to report such a condition to the Department immediately, and to cooperate with the Department in arranging for necessary repairs;
  - l. A commitment not to use the vehicle for any illegal activities;
  - m. A commitment to make monthly premium payments timely and in-full, as described in Subsection VII (C);
  - n. Subject to Subsection VII (C)(1), a commitment to timely cooperate with and assist the Department in—
    - i. maintaining active, current registration for the vehicle,
    - ii. maintaining active, current insurance on the vehicle,
    - iii. ensuring the vehicle timely passes state inspection, and
    - iv. ensuring all applicable taxes on the vehicle are paid; and
  - o. A commitment to immediately return the vehicle to the Department upon demand, for failure to comply with the terms of the Agreement or the rules of the Program, including transferring title to the Department where applicable.
- B. Annual Review — No less often than once every twelve (12) months following initial Program Enrollment, a participant will attest to the Department and confirm with verifications as requested by the Department that —
- 1. Without regard to how the participant initially gained financial eligibility into the Program, the gross income of the participant's filing unit (within the meaning of the

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

Maine Public Assistance Manual, Chapter II) is less than or equal to 250 percent of the federal poverty level;

2. Transportation would be a primary obstacle to retaining sustainable employment if the participant withdrew from the Program; and
3. The participant continues to meet all applicable nonfinancial eligibility requirements set out in Subsection V (C) and (D).

C. Additional Vehicle Access Provisions —

1. To the extent reasonably practicable, the Department shall transfer title to all vehicles provided to program participants within thirty (30) calendar days of vehicle distribution. Prior to transferring title, in addition to determining that the participant has met all relevant eligibility criteria, the Department must—
  - a. Determine that, without assistance from the Department, the participant is financially able to pay all expenses associated with owning the vehicle including, without limitation, expenses associated with the provisions of Subsection VII (C)(1)(b), below; and
  - b. Require the participant, as an additional provision of the Agreement, to—
    - i. maintain active, current registration for the vehicle,
    - ii. maintain active, current insurance on the vehicle,
    - iii. ensure that the vehicle timely passes state inspection, and
    - iv. ensure that all applicable taxes on the vehicle are paid.
2. Monthly Premiums — Notwithstanding title to the vehicle, participants must pay to the Department a premium of \$100 by the 15<sup>th</sup> day of each calendar month in order to maintain access to such vehicle under the Program.
  - a. If a participant's filing unit (within the meaning of the Maine Public Assistance Manual, Chapter II) has income greater than 200 percent of the federal poverty level, the participant's monthly premium will be \$150.
  - b. A participant's first failure to make a timely monthly premium payment will result in an overpayment in the amount of the premium due and an official warning issued by letter. A second failure to make a timely premium payment will result in an overpayment and an obligation to return the vehicle to the Department, per the Agreement.

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- c. Temporary Waiver — For no more than one month at a time, the Department may waive the monthly premium and any penalty for failure to make a payment thereof, upon a participant's written or oral request and verification prior to the payment due date that—
  - i. the filing unit's income has fallen below 100 percent of the federal poverty level; or
  - ii. the participant is experiencing a crisis or extreme hardship, as determined by the Director of the Office for Family Independence or their designee.

Without regard to this Subsection, if a participant cannot pay the premium for more than two (2) months in a row or three (3) months in a twelve (12) month period, the Department will conduct a new assessment and reassign the participant to a more suitable transportation option, if one is available.

- d. Participants may not receive ASPIRE, FSET, or HOPE support services to cover the premium.
- 3. Program Graduation — After a participant has made a total of twenty-four (24) monthly premium payments, in addition to the down payment, participation in the program and obligations under the Agreement will end, and the participant will retain ownership of the vehicle without continuing premium payment obligations. The Department shall notify participants in writing at the time of such graduation.
  - 4. The Department shall pursue an intentional program violation (IPV) when a participant has knowingly failed to return the vehicle upon the Department's demand or has sold or traded the vehicle during Program participation without prior authorization in writing from the Director of the Office for Family Independence or their designee. The dollar amount of any overpayment associated with such an IPV will be the value of the vehicle at the time of the initial transfer of ownership from the Department to the participant. Such amount may not be reduced to account for depreciation, premium payments made, or any other costs incurred and paid by the participant in the course of owning the vehicle.

## **VIII. TERMINATION AND APPEAL**

- A. Early Termination of Services — Program services to a participant shall be terminated when one of the following occurs:
  - 1. The participant no longer meets all applicable program eligibility requirements set out in Subsection V; or
  - 2. The participant fails to comply with a provision in their Agreement.



**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

A participant shall not be terminated from the program due to failure to comply with their Agreement if the noncompliance concerns employment, and the participant demonstrates either —

- a. That the participant was terminated or had hours reduced through no fault of the participant; or
  - b. The noncompliance was due to a medical condition or illness of the participant or a dependent who requires full time care. This noncompliance must last no more than two (2) calendar weeks. The medical condition or illness must be verified by a medical provider approved by the Department.
- B. Appeal Rights — A participant who disputes an application decision or a program decision, including a decision on a selection, reduction, or termination of transportation services; a denial of a monthly premium temporary waiver; or an overpayment; has the right to an administrative hearing, provided the request for the hearing is made timely. Department staff will complete the hearing request on behalf of the participant and file it with the Administrative Hearings Unit. See 10-144 C.M.R. Ch. 331, Maine Public Assistance Manual (TANF) Chapter VI, for additional information on Fair Hearings and Administrative Hearings and Intentional Program Violations.
1. The request for an administrative hearing must be made within thirty (30) calendar days of the issuance of the notice of action which is disputed. If the disputed decision involves the suspension or termination of transportation services which have previously been provided, and the participant requests an administrative hearing within ten (10) days of the notice, transportation services will continue pending the outcome of the administrative hearing. In no event, however, will the participant have access to continued Program services pending appeal if the participant violated a term of the Agreement specific to vehicle access.
  2. The hearing will be conducted in accordance with the rights and procedures set forth in 10-144 C.M.R. Ch. 1 *et seq.*

**END OF SECTION**

**10-144**

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**OFFICE FOR FAMILY INDEPENDENCE**

**CHAPTER 607**

**ASPIRE-TANF PROGRAM RULES**

**Effective November 6, 2001**

**Last Amended: ~~December 2017~~ XXXXX, 2020**

## Table of Contents

Section Number	Title	Pages
<b>Section 1</b>	Definitions	1-1 thru 1-6
<b>Section 2</b>	Authorization; Philosophy; Goals and Objectives; Administration	2-1 thru 2-6
<b>Section 3</b>	Participation; Participant Performance Requirements Participant Satisfactory Progress; Program Performance Requirements; Scheduling Appointments	3-1 thru 3-8
<b>Section 4</b>	Confidentiality, Participants' Rights and Responsibilities, Good Cause; Fair Hearings, Sanctions, Intentional Program; Violations, Overpayment Procedures	4-1 thru 4-10
<b>Section 5</b>	Work Evaluation	5-1 thru 5-5
<b>Section 6</b>	Case Management	6-1 thru 6-2
<b>Section 7</b>	Family Contract Amendment (FCA)	7-1 thru 7-2
<b>Section 8</b>	Pre-Training	8-1 thru 8-2
<b>Section 9</b>	Field Training	9-1 thru 9-3
<b>Section 10</b>	Education and Training	10-1 thru 10-3
<b>Section 11</b>	Work Activity Services	11-1 thru 11-3
<b>Section 12</b>	Job Search Activities	12-1 thru 12-3
<b>Section 13</b>	Employment	13-1 thru 13-8
<b>Section 14</b>	Support Services and Payment Provisions for Services	14-1 thru 14-9
<b>Section 15</b>	Reduction of ASPIRE-TANF Services when Funding is Inadequate	15-1 thru 15-2
<b>Section 16</b>	Parents as Scholars Program	16-1 thru 16-5
<b>Section 17</b>	TANF Time Limit Extensions	17-1 thru 17-9
<b>Section 18</b>	<b>Working Cars for Working Families</b>	<b>18-1 thru 18-13</b>

---

**INDEX**

<b>Subject</b>	<b>Section</b>	<b>Subsection</b>	<b>Pages</b>
<b>A.</b>			
Adult entertainment	4	IX	4-10
apprenticeship	13	II.B.	13-1
ASPIRE-Plus	13	II.A.	13-1,2,3,4
assessment	5		5-1 thru 5
auto liability insurance	14	II.D.	14-5
auto repairs	14	II.C.	14-4
<u>auto purchase program</u>	<u>18</u>		<u>18-1 thru 18-13</u>
<b>B.</b>			
books and supplies	14	II.H.	14-5
<b>C.</b>			
case management	6		6-1,2
child care	14	II.A.	14-1 thru 3
clothing and uniforms	14	II.I.	14-6
confidentiality	4	I.	4-1, 2, 3
<b>D.</b>			
definitions	1		1-1 thru 6
dental care	14	II.F.	14-5
displaced employee grievances	13	IV.	13-6 thru 8
<b>E.</b>			
education and training	10		10-1 thru 3
education, procedures	10	III.A.-J.	10-2, 3
education, training expenses	14	II.G.	14-5
education, types of	10	II.A.-D.	10-1, 2
employment	13		13-1 thru 8
extensions	17	I-VI	17-1 thru 17-9
eye care	14	II.D.	14-5

|

	<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>
<b>F.</b>	fair hearings	4	V.	4-6, 7
	family planning	8	E.2.a.	8-2
	Family Contract	2	IV.C.2.a.	2-5
		7	I.B., C.	7-1, 2
		7	II.A.-E.	7-2
		8	I.B.,C.,D.	8-1
		12	I.	12-1
		14	I.A.,B.,D.,F.	14-1 thru 14-9
	15	II.	15-1, 2	
	fee-for-service agreements	14	II.L., M., N.	14-6, 7
field training	9		9-1, 2, 3	
Fraud investigation and Recovery Unit (FIRU)	1		1-3	
<b>G.</b>	Gambling facility	4	IX	4-10
	GED preparation and training	8	C.	8-2
	good cause	4	III.	4-4, 5
<b>H.</b>	high school diploma programs	8	B.	8-2
<b>I.</b>	Intentional Program Violation (IPV)	4	IX	4-10
<b>J.</b>	job readiness activities	8	E.	8-2
	job search	3		3-2, 4
		3		3-6, 7
<b>K.</b>		12		12-1, 2, 3
<b>L.</b>	life management skills	8	E.1.	8-2
	Liquor sales	4	IX	4-10

	<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>	
<b>M.</b>	MaineServe	3	IV.A.3.	3-6	
			IV.B.2.	3-6	
		11	I.A.-O.	11-1,2	
			II.A.-C.	11-3	
	Matriculation	16		16-1	
<b>N.</b>	non-traditional employment	13	II.D.	13-2	
			III.D.	13-6	
<b>O.</b>	occupational expenses	14	II.J.	14-6	
	on-the-job training (OJT/ASPIRE-Plus)	13	II.A. III.	13-1 13-2, 3,4	
	orientation	2		2-5, 6	
		3		3-8	
		5		5-1	
		7		7-2	
	Overpayment Procedures	4	VIII.	4-9, 10	
	<b>P.</b>	parenting education	8	E.2.C.	8-2
		Parents as Scholars	16		16-1 thru 5
		participant's performance requirements:			
Single Parent Household		3	II.A.	3-1, 2	
Two Parent Household		3	II.B.	3-3, 4	
Teen Parents		3	II.B.	3-2	
participants' rights and responsibilities		4	II.	4-3, 4	
participants' satisfactory progress		3	III.A.,B.	3-4, 5	
participation		3	I.A.	3-1	
payment of support services		14	IV.	14-8, 9	
period of enrollment		2	IV.C.3.c.	2-6	
		14	I.F.	14-1	
		14	II.D.	14-4	
	14	II.F.	14-5		
	14	II.J.,K.	14-7		





<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>
pre-training program:	8		8-1, 2
administration	2	IV.	2-3 thru 5
authorization	2	I.	2-2
goals and objectives	2	III.	2-3
performance requirements - single parent family	3	IV.	3-5, 6
performance requirements - two parent family	3	IV.	3-6, 7
<b>Q.</b>			
<b>R.</b>			
relocation costs	14	II.K.	14-6
remedial education	8	D.	8-2
responsibilities of:			
ASPIRE-TANF staff	2	IV.C.3.	2-5
OFI eligibility staff	2	IV.C.2.	2-4, 5
return of purchased goods	14	II.M.	14-7
<b>S.</b>			
sanctionable acts	4	VI.	4-8, 9
scheduling procedures	3	VI.	3-7, 3-8
self-employment	13 13		13-2 13-4, 5
service delivery areas	15		15-1, 2
service reduction	15		15-1, 2
suitable employment	13	III.E.	13-5, 6
support services	14		14-1 thru 9

<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>
<b>T.</b> Transitional Employment for Maine Parents (TEMP)	11	I., III.	11-1, 2, 3
transportation	14	II.B.	14-3, 4
two parent family	3	II.C.	3-3, 4
<b>U.</b>			
<b>V.</b>			
<b>W.</b> work activities	1 3	IV.	1-5 3-5 thru 7
work activity services	11	11-1, 2, 3	
work evaluation	2 5 13	IV.C.3.b. I.A.	2-5 5-1 thru 5 13-1
work experience	3	IV.	3-5 thru 7
work readiness activities	8	II.E.2.	8-2
<b>Working Cars for Working Families</b>			<b>18-1 thru 18-13</b>

**X.****Y.****Z.**

~~(February 6, 2017) 1-1 Policy #23A~~

~~MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES~~

## SECTION 1: DEFINITIONS AND DESCRIPTIONS

**Summary:** This section describes organizational units, programs, acronyms and significant terms pertaining to the ASPIRE-TANF program.

### DEFINITIONS

Organizational units, programs, and their acronyms, and other significant terms pertaining to ASPIRE-TANF are defined below:

**Alternative Education** --- An educational program that embraces subject matter or teaching methodology that is not generally offered to students of the same age or grade level in traditional school settings.

**ASPIRE-Plus** --- ASPIRE-Plus is an On-the-Job training program that provides an employer subsidy for up to 26 weeks, depending on the length of training time needed, of up to 50% percent of the hourly wage paid by the employer.

**ASPIRE-TANF** --- "ASPIRE-TANF" stands for— Additional Support for People in Retraining and Employment - Temporary Assistance for Needy Families. ASPIRE is the welfare employment and training program created by the Governor and the Maine Legislature in July 1988, to provide case management, education, training, support and employment services to help TANF recipients to find or create jobs in the local labor market.

**ASPIRE-TANF Unit** --- A unit within the Department of Health and Human Services, Office for Family Independence, or an agent or contractor thereof, which provides ASPIRE-TANF services to TANF participants. These services include but are not limited to Assessment, prevocational activities, support services, Good Cause determination, case management and employment services.

**Assessment** --- An individualized process designed to integrate the array of ASPIRE-TANF services with the educational and vocational needs, interests and abilities of each participant.

**Basic Literacy Level** --- The capability to read and write at a level equivalent to an 8-98th or 9th grade level as demonstrated either by an educational achievement test; maintaining a grade point average of at least 2.0 at a post-secondary institution; or having passed the reading portion of a high school equivalency test.

**Case Management** --- The process of identifying the needs of the participant and the participant's family, coordinating services appropriate to meet those needs, and monitoring the participant's progress through ASPIRE-TANF so the participant can gain the skills and support to obtain employment.

**Child care, affordable**<sup>\*,\*</sup> --- Affordable child care arrangements are those for which the participant incurs no cost or is reimbursed by another program such as ASPIRE or through a deduction for child care from income by the TANF program or by any combination of these methods.

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\* these definitions apply only to single parents with a child under age 6

(XXX , 2020)

1-2

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**Child care, appropriate~~\*,\*~~** -- Appropriate child care is affordable child care furnished by a child care provider, of the participant's choice, who has passed background checks as required by 22 M.R.S. §§ 8301-A and 8302-~~A0.A.~~

~~\* these definitions apply only to single parents with a child under age 6~~

(XXX , 2020)

1-3

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

~~(February 6, 2017)~~~~1-2~~~~Policy #23A~~

**Child care, reasonable distance<sup>\*,\*</sup>** ~~---~~ Reasonable distance means that the ASPIRE participant is required to commute no more than 15 additional miles between home and work activity in order to transport the child to the child care provider.

**Child care, unsuitability of informal care<sup>\*,\*</sup>**

~~---~~ Unsuitable child care is that provided by an individual who cannot pass a required background check or is unaffordable or would require the ASPIRE participant to travel an unreasonable distance.

**Component** ~~---~~ Education, training and employment activities approved by ASPIRE-TANF including: ~~---~~ pre-training; educational activities through post-secondary level; job skills training; job readiness activities; group and individual job search; on-the-job training; and community work experience.

**Department of Health and Human Services (Department or DHHS)** ~~---~~ The agency authorized by Federal statutes to administer the ASPIRE-TANF program and other programs within the Office for Family Independence.

**Education** ~~---~~ Activities including remedial-education, high school or equivalency, and post-secondary certificate programs designed to prepare the participant for employment.

**Exempt from the Time Limit** ~~---~~ ~~A TANF recipient who has a~~ ~~---~~ A month or months that do not count against ~~his or her~~ a participant's 60-month time limit.

**Exempt from Work Participation** ~~---~~ A TANF recipient who is not required to participate in ASPIRE-TANF in accordance with Federal or State regulations.

**Extension** ~~---~~ A one to six-month time period during which TANF benefits may be received, based on hardship, approved by the Department. ~~This~~ An extension allows a household to receive benefits past its 60-month time limit, when the recipient is complying with program rules and meets all other TANF eligibility requirements.

**Fair Hearing (also known as an Administrative Hearing)** ~~---~~ A hearing conducted before a Department of Health and Human Services hearings officer in which a participant has an opportunity to dispute a decision made by the Department. The hearings officer's decision is binding on all parties involved in the particular case.

**Family Contract** ~~---~~ A form signed by a representative of the Department and each TANF caretaker relative that states the responsibilities of the parties to the agreement, including but not limited to cooperation in child support enforcement and determination of paternity, and the requirements of program participation. The contract may also include referral to parenting activities and health care services where the need for such services has been established.

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\* these definitions apply only to single parents with a child under age 6

(XXX , 2020)

1-4

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**Family Contract Amendment –(FCA) --** The binding agreement ASPIRE participants enter into with the Department, ASPIRE Unit, pursuant to 22 M.R.S.A. ~~§~~ § 3788 (4-A). In these agreements, specific action steps are listed that both the Department and the participant agree to perform. ASPIRE support services to be provided are listed in the FCA.

~~\* these definitions apply only to single parents with a child under age 6~~

(XXX , 2020)

1-5

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

~~(February 6, 2017)~~~~1-3~~~~Policy #23A~~

**Federal Department of Health and Human Services, Administration for Children and Families, Office of Family Assistance (HHS/ACF/OFA) ---** The federal agency that administers and regulates the TANF Program and other programs of the Department of Health and Human Services, Office for Family Independence, and provides block grant funds for these programs.

**Field Training ---** A non-wage, time limited, training placement with a public, private non-profit or profit employer which enables the participant to explore a preliminary career decision, gain experience in the work world and/or improve specific job skills.

**Fraud, Investigation and Recovery Unit (FIRU) ---** the unit in the ~~department~~Department responsible for investigating allegations of misuse, fraud, and over-payments. The unit also is responsible for seeking repayment when appropriate or referring the matter to the Attorney General's office for prosecution.

**Food Supplement Employment and Training (FSET) -- The employment and training program administered under 7 C.F.R. § 273.3, 22 M.R.S. § 3104, and 10-144 C.M.R. chapter 609, that provides case management, education, training, supports and employment services to help Food Supplement recipients find and keep jobs.**

**Gainful Employment ---** Activities that a person can perform which are intended to provide an income and which are a source of consistent revenue for the worker, such as a steady job.

**Good Cause ---** Acceptable reasons, as determined by the Department of Health and Human Services, for a participant's failing or refusing to participate in ASPIRE-TANF or in a particular ASPIRE-TANF component.

**Higher Opportunity for Pathways to Employment (HOPE) -- The program administered under 22 M.R.S. § 3790-A, and 10-144 C.M.R. chapter 330, that provides support services such as child care and transportation and voluntary student navigation services to help low income students who are parents of minor children.**

**Intentional Program Violation --(IPV) ~~means that--~~ An IPV occurs when** an individual has purposely misused "cash benefits" or other benefits, and/or misrepresented actual circumstances in order to receive benefits, and the individual would not have been eligible had the proper information been available at the time of application, redetermination of eligibility, or within ten days of the change in circumstances. An IPV will result in a referral to the Fraud, Investigation and Recovery Unit (FIRU) for further review and recovery.

**Job Club ---** A structured and supervised job search group which assists participants in their efforts to obtain and retain employment.

**Job Development/Placement ---** Specific actions by ASPIRE-TANF or a service provider in identifying subsidized and unsubsidized jobs, marketing participants based on their career goals for those jobs and securing job interviews for participants.

(XXX , 2020)

1-6

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**Job Readiness** --- Pre-training activities focusing on life management skills, work maturity skills, work place expectations and work behavior and attitudes necessary to succeed in the labor market.

**Job Search** --- Counseling and pre-employment training on job-seeking skills either individually or in groups. The group "Job Club" is the preferred job search activity.

**Job Skills Training** --- Vocational training focusing on the required skills, knowledge and abilities of a specific occupation or business.

**MaineServe** --- A community service program designed to provide parents who are eligible for TANF opportunities to serve their communities and the State in a manner that assists them in developing and renewing their skills in ways that may lead to employment that is sufficient to sustain their families.

**Matriculation** --- For the Parents as Scholars Program, matriculation is defined as acceptance and enrollment into any two-year or four-year academic program in an institution of post-secondary education.

~~(February 6, 2017) 1-4 Policy #23A~~

**Net Loss of Cash income** --- Net loss of cash income results if the family's gross income, less necessary work-related expenses, is less than the TANF benefit and any other cash assistance the participant was receiving at the time the offer of employment is made.

**Non-Compliance** --- Failure of a mandatory ASPIRE recipient to sign or abide by the terms of the Family Contract Amendment without Good Cause, which will result in termination of benefits to the individual for the lesser of ninety (90) days or until the failure to comply ceases.

**Office for Family Independence (OFI)** --- The organizational unit with the Department of Health and Human Services which administers the ASPIRE-TANF program. OFI also administers the following services: TANF, Food Supplement Benefits (SNAP), General Assistance, MaineCare, HOPE, Support Enforcement and Recovery, and Emergency Assistance.

**On-the-Job Training (OJT)** --- A means by which a participant is hired and trained in a specific occupation by a private or public employer who receives a partial reimbursement of wages paid for providing skills and training necessary to perform the job (See ASPIRE-Plus).

**Order of Reference** --- A document in which the Department's Commissioner gives specific instructions to the Office of Administrative Hearings regarding the issues to be addressed at hearing and the handling of a hearing request. ~~This~~ These instructions may include, but ~~is~~ are not limited to, an instruction that the Hearing Office issue recommended findings and a recommended decision with the authority to make the final findings and decision reserved to the Commissioner.

**Parents as Scholars Program (PaS)** --- A student aid program based on need for up to ~~2000~~ 2,000 participants, to aid needy students who have dependent children and who are matriculating in post-secondary undergraduate 2-year and 4-year degree-granting education programs.

**Participant** --- A TANF recipient who is involved in ASPIRE-TANF activities.



(XXX , 2020)

1-7

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**Period of Enrollment** --- The time frame from the opening of activity with the ASPIRE-TANF program, until participation with ASPIRE-TANF is ended.

**Pre-Training** --- Activities designed to prepare the participant for occupational skills training, post-secondary education and employment. Such activities include secondary education programs, job readiness activities, employment counseling, field training, self-employment evaluation, and referral to services to improve life-management skills.

**Sanctions** --- Actions taken by the Department of Health and Human Services as a result of a participant's failing or refusing to participate in ASPIRE-TANF without Good Cause. These actions generally cause a reduction in TANF and Food Supplement benefits for a specified time period for participants who are not exempt, and a loss of services for a specified time for voluntary participants.

**Satisfactory Progress** --- The requirement that a participant meet standards of performance imposed by an educational or training institution and by ASPIRE-TANF while participating in an education or training activity.

**Support Services** --- Services such as child care, transportation, eye and dental care, which enable the participant to complete the Family Contract Amendment and take employment.

(XXX , 2020)

1-8

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

~~(February 6, 2017)~~ ~~1-5~~ ~~Policy #23A~~

**TANF Recipient** --- An individual whose family's financial needs are met in part with TANF payments in accordance with the Maine Public Assistance Manual.

**TANF Single Parent Family** --- A TANF family which receives benefits under the program authorized in the Federal Social Security Act, as amended by the *Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996*, and the *Deficit Reduction Act (DRA) of 2005*, whose children are deprived of parental support or care by reasons other than the underemployment of the parent who is the principal wage earner, or the incapacity of a parent.

**TANF Two Parent Family** --- A TANF family which receives benefits under the program authorized in the Federal Social Security Act, as amended by the *Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996*, and the *Deficit Reduction Act (DRA) of 2005*, whose children are deprived of parental support or care either by reason of the underemployment of the parent who is the principal wage earner, or by reason of incapacity of a parent.

**Time Limit** --- The limit of 60 months during which a family may receive TANF assistance in the absence of the family qualifying for a time limit exemption or extension.

**Training and Work Site Agreement** --- An agreement which is included as part of the Family Contract Amendment and which stipulates specific performance requirements for a participant enrolled in education, training and/or work experience.

**Transitional Employment for Maine Parents (TEMP)** --- a volunteer work experience position.

**UP** --- Unemployed Parent refers to the cases where TANF eligibility is based on the unemployment or under-employment of one of the parents in the household.

**Up-front Job Search** --- Newly-granted TANF recipients who are considered job-ready, and who are eligible for TANF based on unemployment of the primary wage earner or single parent recipients whose children are 5 years of age or older, may participate in individual or group job search activities during the work evaluation phase of involvement with ASPIRE-TANF.

**Voluntary Participant** --- A TANF recipient who is not required to participate, by Federal or State regulations but chooses to enroll in ASPIRE-TANF.

**Work Activities** --- Work activities are those activities that are allowable under PRWORA (Sec. 407, (d)), and are listed in this manual in Section 3 (IV)(A)(3) and (IV)(B)(2).

**Work Eligible Individual (WEI)** --- An adult, or a minor child, who is a head of household, receiving assistance under TANF or a separate State program, who is not otherwise exempted from meeting a work requirement.

**Work Evaluation** --- Consists of all activities related to Assessment, employability plan development and initial amendment to the Family Contract Amendment. Work evaluation is limited to a maximum of 90 days, unless extended by the Commissioner (or the designee of the Commissioner).

(XXX , 2020)

1-9

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**Work Experience** --- This is a generic term used to describe a variety of experiential activities (such as TEMP, On-the-Job Training, Community Service, etc.) that lead to, or include, employment.

~~(February 6, 2017) 1-6 Policy #23A~~

**Work Readiness Activities** --- These activities include job shadowing, job coaching, mentoring, situational assessment, and any other activity that will encourage obtaining or retaining employment.

**Working Cars for Working Families** -- Transportation assistance program which assists participants in obtaining and maintaining sustainable employment by providing them with access to reliable, affordable transportation. This program is designed to be an employment support and to comply with applicable federal TANF regulations.

**END OF SECTION**

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 18: WORKING CARS FOR WORKING FAMILIES**

**SUMMARY:** This section describes the Working Cars for Working Families Program (referred to in this Section as “the Program”), which is created to provide transportation for low-income individuals to obtain and retain employment. This Section establishes the Program, sets out eligibility and ongoing participation criteria, and describes the application and decision-making processes.

**I. AUTHORIZATION**

The Department is authorized to operate the Working Cars for Working Families Program by 22 M.R.S. § 3769-F.

**II. PHILOSOPHY**

The purpose of the Program is to assist participants in obtaining and maintaining sustainable employment by providing them with access to reliable, affordable transportation. The Program is designed to be an employment support and to comply with applicable federal TANF regulations.

**III. ADMINISTRATION**

A. General -- Subject to the availability of funds, the Department shall administer the Working Cars for Working Families Program in accordance with this Section. The Program shall endeavor to provide long-term transportation solutions to eligible program participants, and the Department may exercise its discretion in determining the most effective and efficient way to achieve that goal with the limited resources and time period provided under statute. In such exercise of its discretion, the Department may determine that the Program will include different transportation options. Such options may include, without limitation—furnishing purchased or donated vehicles to participants; coordinating public or private transportation; facilitating car shares among participants; ride or shuttle service; or providing driver instruction or education. These rules include some provisions that expressly apply only to certain such options, but nothing in these rules or in those specific provisions shall be construed to require the Department to provide such options.

B. Definitions –

1. For purposes of this Program, “sustainable employment” is employment that leads or is expected to lead to a family ending its financial need for cash assistance, including TANF, PaS, and Alternative Aid. “Employment” within the meaning of this Section does not include self-employment or any form of employment that involves a subsidy to the employer.

2. For purposes of this Program, “earned income” is as defined in 10-144 C.M.R. Ch. 331 Introduction and Definitions and limited by Subsection III (B) of this Section.

C. Funding Contingencies -- Pursuant to authorizing statute, funding for the Working Cars for Working Families Program is limited to \$6,000,000 allocated from the federal TANF block grant accrued prior to state fiscal year 2017-2018. If the Department finds that its continued

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

administration of the Program will or is reasonably likely to exhaust that funding before June 30, 2022, it will follow the procedures in this subsection to minimize the impact on program participants.

1. If funding allows, the Department shall stop accepting or processing new applications or Transportation Program Agreements (see Subsection VII), and shall continue to honor all current, signed Agreements to their completion date.
2. If funding is not sufficient to maintain current programming as described in subparagraph 1, the Department shall reduce specific transportation services and/or the frequencies with which such services are provided, giving as much advance notice to affected program participants as is reasonably practicable. The Department shall effectuate reductions and eliminations under this subsection on a generalized and categorical basis, and shall not make case-by-case elimination or reduction decisions.
3. If funding is not sufficient to maintain current programming as provided in subparagraph 1 or to equitably reduce or eliminate programming as provided in subparagraph 2, the Department shall terminate all Transportation Program Agreements and end all services, providing as much advance notice to program participants as is reasonably practicable.
4. The Department will notify program participants of reductions or program termination no less than fourteen (14) calendar days in advance of the reduction or termination of service.
5. Categorically applicable denials, reductions, and service terminations based on funding limitations are not subject to administrative appeal.

**IV. ELIGIBILITY DETERMINATION PROCESS**

A. General -- The Department shall determine program eligibility and enrollment as follows:

1. The Department shall determine whether an application meets the financial and nonfinancial program eligibility criteria set out in Subsection V;
2. If the Department finds that an application meets the eligibility criteria, it will notify the applicant, and schedule and conduct an in-person assessment with the applicant, in accordance with Subsection VI; and
3. If the Department finds that Program participation is appropriate for the applicant, it will determine whether there are available Program resources that would remediate the applicant's transportation barriers.

B. Application -- To facilitate the process described in Subsection IV (A), the Department shall develop a uniform application for the Program, which will allow the Department to evaluate an applicant's eligibility under Subsection V. The application will also include a list of

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

transportation services that may be available, from which the applicant may indicate the specific service(s) sought. Applicants may submit completed applications at any of the Department's regional offices or at statewide offices where ASPIRE services are provided.

- C. Enrollment -- The Department shall determine whether an applicant may receive transportation services under this Section—and if so, what specific services to provide—based on the following:
1. The Department's review of the applicant's eligibility under the Basic Eligibility Criteria in Subsection V, including the applicant's timely production of any necessary or requested verifications that confirm such eligibility;
  2. The applicant's timely compliance with requests for verification and attendance at the scheduled assessment;
  3. The Department's review of the applicant's transportation needs, employment situation, and suitability for the Program, in accordance with Subsections V and VI; and
  4. The availability of Program resources, and non-program alternatives, that will reasonably address the applicant's transportation needs.
- If in its evaluation of factors 1-4, the Department determines that participation in the Program is appropriate, it will notify the applicant in accordance with Subsection IV (D). Program enrollment and service delivery shall not occur until the qualified applicant has executed a Transportation Program Agreement under Subsection VII (A).
- D. Decision -- The Department will issue a written determination of eligibility at the conclusion of its evaluation. If the applicant is not deemed eligible and qualified for the program pursuant to Subsections V or VI, or if the Department determines that the applicant will receive a transportation service that is not the applicant's first preference, then the notice will identify the reason(s) for the denial or for the particular service selection. The decision will be provided to the applicant within thirty (30) calendar days of the date the Department receives the completed written application, provided the applicant has replied to requests for verifications in a timely manner and attended the scheduled assessment. The notice of decision will include information on appeal rights when applicable.
- E. Waitlist -- If the transportation service that an eligible individual requires is not immediately available, the Department will maintain a waitlist that will include the individual's contact information, affirmative eligibility determination, and service request. When the service becomes available, the applicant will be contacted by their preferred method of contact that the individual stated during their Assessment (e.g., telephone, text, email, written postal mail). If the individual does not respond to that preferred method of contact within two (2) business days, they will be mailed a written notice, which, if more than sixty (60) days after the applicant's first assessment, will include the date and time of a new Assessment appointment. If the waitlisted participant fails to contact the Program within ten (10)

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

business days of the date the notice was issued by the Department, the individual will be closed from the Program and removed from all Program waitlists.

**V. BASIC ELIGIBILITY CRITERIA**

A. Financial Eligibility -- Applicants must meet one of the following financial eligibility requirements to receive transportation services as part of the Program:

1. As of the date of application, the applicant must be an included member of an open case in Maine for, and be receiving, federally-funded TANF or TANF-PaS; or
2. The applicant's filing unit (within the meaning of the Maine Public Assistance Manual, Chapter II) must have gross income at or below the gross income standard applicable to Alternative Aid applicants, pursuant to the Maine Public Assistance Manual, Chapter IX.

B. Transportation Need -- To be eligible for the Program, applicants must demonstrate that adequate reliable transportation is their primary barrier to obtaining or retaining sustainable employment. In assessing this need, the Department may require an applicant to make a written statement as part of the application, explaining the applicant's transportation limitations and how they impact job prospects. Determining whether an applicant meets this eligibility criterion will require the Department to consider the facts and circumstances of each individual applicant. At a minimum, the applicant shall provide details concerning, and the Department shall consider, the following:

1. Employment Circumstances -- The applicant must have a reasonable likelihood of obtaining or retaining sustainable employment by participating in the Program. An applicant may meet this requirement by showing the following, or making a similar showing:
  - a. The applicant is actively working thirty (30) or more hours per week, resulting in weekly earned income equal to or in excess of the State of Maine's minimum wage;
  - b. The applicant has a job offer, or offers, that would combine for thirty (30) hours average weekly employment, resulting in earned income equal to or in excess of the State of Maine's minimum wage;
  - c. The applicant has at least one pending job application for a position the applicant is qualified for and prepared to accept, within an hour commute of the applicant's residence;
  - d. Within the last thirty (30) days there have been, or there currently are, at least three posted positions, for which the applicant is qualified and that they would have applied to but for transportation limitations, within an hour commute of the applicant's residence; or

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

e. Within thirty (30) days of Program application the applicant will receive a credential, certification, degree or other similar qualification that will enable the applicant to apply for and accept employment within a field that has had in the last thirty (30) days at least three posted positions within an hour commute of the applicant's residence for which the applicant will be qualified upon receipt of the new credential.

2. Transportation Limitations. An applicant will be eligible for the Program only if they do not have access to sufficient transportation to maintain or obtain sustainable employment. An applicant is not eligible for the Program, if—

a. They own a vehicle in reliable running condition. The Department will verify an applicant's lack of ownership by searching for active registration with the State of Maine, Bureau of Motor Vehicles (BMV) and with the BMV or any like agency of any other state where the applicant lived within twelve (12) months of applying. If the applicant contends that their vehicle is not in reliable running condition, the Department will require a written statement from a State of Maine licensed vehicle inspection station;

b. Another adult living with the applicant owns a vehicle in reliable running condition and does not use the vehicle for work or child care that conflicts with the applicant's actual or anticipated employment schedule. The Department will verify such lack of ownership by searching for active registration with the State of Maine, Bureau of Motor Vehicles. If the applicant contends that the household vehicle is not in reliable running condition, the Department will require a written statement from a State of Maine licensed vehicle inspection station;

c. Available public transportation can reliably and consistently accommodate the applicant's actual or anticipated schedule of employment hours and child-care-provider-required pick up and drop off times, with an average commute time of no longer than one (1) hour each way; or

d. They have consistent access to any other form of reliable transportation that does not limit the applicant's ability to accept new employment, increase hours, change their work schedule, or meet child care needs.

C. Additional Nonfinancial Requirements—

1. Applicants must meet all of the non-financial eligibility criteria for federally-funded TANF benefits described in Maine Title 10-144 C.M.R. Ch. 331 chapter II with the following exceptions:

a. Establishing Paternity and Assignment of Rights to Support



**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

b. ASPIRE-TANF

NOTE: This exception does not waive any requirements to participate with ASPIRE based on participation in other TANF-funded programs.

2. No applicant is eligible to participate in the Program if at the time of application or subsequent to the application—
  - a. The applicant or another member of the applicant’s TANF filing unit has received three (3) or more Department sanctions including from, without limitation—ASPIRE, Division of Support Enforcement and Recovery (DSER), and Quality Control (QC) in the last twenty-four (24) calendar months; or
  - b. The applicant or another member of the applicant’s TANF filing unit has had an Intentional Program Violation (IPV) for any needs-based benefit program in Maine, or any other state within the United States.
3. Applicants who are mandatory ASPIRE Program participants must meet the following conditions:
  - a. Be in compliance with the terms of their Family Contract Amendment;
  - b. Not have a current sanction for failing to comply with the ASPIRE Program;
  - c. Not be exempt from ASPIRE work participation requirements. This limitation includes federally allowed exemptions of caring for a disabled family member, or caring for a child under the age of one (1); and
  - d. One of the following:
    - i. Have been successfully meeting the ASPIRE work participation requirements without need for good cause for each of the previous three months, or since beginning participation with ASPIRE, whichever is shorter; or
    - ii. Have had employment of an average of thirty (30) hours per week resulting in weekly earned income equal to or in excess of the State of Maine’s minimum wage for each of the previous three months, or since beginning participation with ASPIRE, whichever is shorter; or
    - iii. During the relevant period, have attended full time (as defined by the institution) college courses that resulted in an Associate’s or Bachelor’s Degree, or attended a training or education course(s) for an average of thirty (30) hours per week that resulted in a work credential.

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

4. Individuals who are not mandatory ASPIRE Program participants must meet the following conditions:

- a. Qualify as a member of a TANF filing unit, in which a qualifying specified relative is maintaining a home for a child under the age of eighteen (18), or who is eighteen (18) and attending school full time. The provisions of the Maine Public Assistance Manual, Chapter II, apply to determine whether an applicant meets the qualifications under this subsection;
- b. Be actively working thirty (30) or more hours per week, resulting in weekly earned income equal to or in excess of the State of Maine's minimum wage before receiving any transportation service under the Program; and
- c. Attend a Program orientation and comply with all requirements associated therewith before receiving any transportation service under the Program.

D. Additional Eligibility Criteria for Vehicle Access—Applicants requesting to receive access to a vehicle through the Program must meet additional eligibility requirements to receive the service. Applicants otherwise meeting the eligibility criteria in this section may receive other transportation services available through the Program until satisfying the following criteria:

1. Have a current valid driver's license in any state in the United States;
2. Be at least twenty-one (21) years of age;
3. Demonstrate the ability to responsibly own and maintain a vehicle. This demonstration includes completion of each of the following courses prior to vehicle delivery, if the Department provides them:
  - a. Driver safety course (Maine Driving Dynamics);
  - b. Vehicle ownership orientation; and
  - c. Vehicle ownership course including financial preparation.
4. Not have been convicted of any of the following offenses, as determined by self-attestation and a background check:
  - a. Operating Under the Influence (OUI), Driving Under the Influence (DUI) or Driving While Intoxicated (DWI) in the past ten (10) years;
  - b. More than two (2) moving violations or at-fault accidents in the past five (5) years;

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OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

c. Any moving violation in the six (6) months immediately preceding Program enrollment; or

d. Any crimes of violence leading to bodily injury of another.

5. Make a down payment to the Department in the amount equivalent to three (3) monthly premium payments, as provided in Subsection VII (C)(2). This payment may be made in no more than three (3) installments, over no more than three (3) months, and may not be waived. Participants may not receive ASPIRE, FSET, or HOPE support services to cover the down payment.

E. Verifications -- Except where otherwise specified, above, and unless the Department can obtain verification through its own records or the records of its agents, the Department shall require written or third-party verification of any factor impacting Program eligibility. Failure to respond to requested verifications within ten (10) business days may result in a denial.

## VI. ASSESSMENT

A. General -- As part of the determination of Program eligibility, the Department will conduct an assessment of the applicant to evaluate the applicant's qualifications, particularly with regard to their transportation need, as set out in Subsection V(B). Provided that all eligibility criteria are satisfied, the assessment will also evaluate available transportation service options to determine the option best suited to an applicant's particular situation. The Department may determine, as a result of the assessment, that the applicant may receive program services that are different from the applicant's initial request.

B. Format and Scheduling -- The assessment will be scheduled verbally or by a written scheduling notice and shall be conducted in person between the applicant and the Department. Failure to attend a scheduled assessment without providing twenty-four (24) hours of advance notice and rescheduling at a mutually agreed time no more than one week after the original date may result in a denial. The Department may, but is not required to, verbally notify the applicant at the time of the assessment that they are eligible for the Program and suitable for an available option. If such a determination is appropriate, the Department and the applicant shall execute a Transportation Program Agreement at that time, and the Department may begin providing Program services immediately, as appropriate. If the Department makes such a determination at the time of the assessment, and the applicant executes a Transportation Program Agreement, the applicant may, at their sole option, elect not to receive a separate written decision about Program eligibility under Subsection IV (D).

C. The Department shall discuss the following with the applicant during the Assessment:

1. Any information in or missing from the application that is relevant to eligibility criteria set out in Subsection V;

2. Any information in or missing from requested verifications;

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3. The applicant's current employment status, including details concerning earnings and scheduled work hours;
4. The applicant's employment history from the past twenty-four (24) months, to include self-employment and subsidized employment;
5. Transportation resources currently available to the applicant;
6. The applicant's method of transportation used in the past twelve (12) months;
7. The applicant's current or anticipated travel route to child care and employment;
8. Details of any vehicles owned or registered to the individual to include, but not limited to, outstanding loans, year, make, model, mileage, condition, current status of title, registration, inspection, liens, and insurance;
9. Driving background to include a review of a background check which shall include searches of the State Bureau of Investigation (SBI) and Maine's Bureau of Motor Vehicles (BMV) records;
10. Any other matter that impacts the applicant's Program eligibility or suitability for a service or set of services; and
11. Information on the applicant's preferred method of contact.

**VII. PARTICIPATION AND CONTINUED ELIGIBILITY REQUIREMENTS**

- A. Program Agreement -- Prior to receiving any services under the Program, and before any changes to services can take effect for ongoing cases, participants must execute with the Department a Transportation Program Agreement (Agreement).
1. Form and Duration -- The Agreement must be reviewed and renewed no less often than once every six (6) months, or whenever there is a material change in a participant's employment or transportation circumstances.
  2. Effect -- The participant shall comply with the terms of their Agreement, and failure to do so may result in termination of enrollment, per Subsection VIII, a Program overpayment, per the Maine Public Assistance Manual, Chapter VI, and/or an Intentional Program Violation (IPV), per the Maine Public Assistance Manual, Chapter VI.
  3. Content -- Each Agreement shall be tailored to the facts and circumstances of the Program participant. In addition, all Agreements must include the following:
    - a. An attestation by the participant that they do not have sufficient access to reliable transportation to allow the them to retain or obtain sustainable employment;

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OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- b. A commitment that the participant will report to the Department immediately if they determine that they cannot meet the requirements of the program;
  - c. A commitment that, once enrolled in the program, the participant will not voluntarily reduce hours of employment below the average of thirty (30) hours per week;
  - d. A commitment that the participant will report changes of employment circumstances (including without limitation -- employer, hours, schedule, and earnings), the availability of alternative transportation options, and contact information to the Department within ten (10) days of their becoming aware of the change;
  - e. A commitment that the participant will attend in-person meetings with the Program as scheduled, and no less often than once a month during the first six (6) months of program participation; and
  - f. A commitment that the participant will not engage in disruptive conduct during any program-coordinated transportation service.
4. Content Specific to Vehicle Access Services -- Prior to receiving such service under the Program, participants eligible for and seeking to gain access to a vehicle under the Program must execute an Agreement that, in addition to the provisions specified in Subsection VII (A)(3), includes—
- a. A commitment to use the vehicle primarily for purposes of commuting to and from work;
  - b. A commitment not to sell or trade the vehicle during Program participation, without prior authorization in writing from the Director of the Office for Family Independence or their designee;
  - c. A commitment not to allow other members of the household to drive the vehicle;
  - d. A commitment not to use the vehicle for income producing transportation services or for transportation services which result in mileage reimbursement for transporting others;
  - e. A commitment to operating the vehicle in compliance with all applicable traffic and parking laws;
  - f. A commitment not to operate the vehicle under the influence of alcohol, illegal drugs, or prescription drugs that impair a person's ability to operate motor vehicles;

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- g. A commitment not to consume alcohol, illegal drugs, or prescription drugs that impair a person's ability to operate motor vehicles while in the vehicle, whether or not the vehicle is running;
  - h. A commitment to report any accidents, thefts, or similar types of incidents involving the vehicle to law enforcement immediately;
  - i. A commitment to protect the vehicle from theft and vandalism by locking the vehicle and parking in well-lit areas, to the extent possible;
  - j. A commitment to conduct routine maintenance on the vehicle as necessary, including but not limited to, regular cleaning of the interior and exterior of the vehicle, oil changes, and maintaining fluid levels;
  - k. A commitment not to operate the vehicle when it is in an unsafe condition or in need of repairs, to report such a condition to the Department immediately, and to cooperate with the Department in arranging for necessary repairs;
  - l. A commitment not to use the vehicle for any illegal activities;
  - m. A commitment to make monthly premium payments timely and in-full, as described in Subsection VII (C);
  - n. Subject to Subsection VII (C)(1), a commitment to timely cooperate with and assist the Department in—
    - i. maintaining active, current registration for the vehicle,
    - ii. maintaining active, current insurance on the vehicle,
    - iii. ensuring the vehicle timely passes state inspection, and
    - iv. ensuring all applicable taxes on the vehicle are paid; and
  - o. A commitment to immediately return the vehicle to the Department upon demand, for failure to comply with the terms of the Agreement or the rules of the Program, including transferring title to the Department where applicable.
- B. Annual Review -- No less often than once every twelve (12) months following initial Program Enrollment, a participant will attest to the Department and confirm with verifications as requested by the Department that --
- 1. Without regard to how the participant initially gained financial eligibility into the Program, the gross income of the participant's filing unit (within the meaning of the

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ASPIRE-TANF PROGRAM RULES**

Maine Public Assistance Manual, Chapter II) is less than or equal to 250 percent of the federal poverty level;

2. Transportation would be a primary obstacle to retaining sustainable employment if the participant withdrew from the Program; and
3. The participant continues to meet all applicable nonfinancial eligibility requirements set out in Subsection V (C) and (D).

C. Additional Vehicle Access Provisions --

1. To the extent reasonably practicable, the Department shall transfer title to all vehicles provided to program participants within thirty (30) calendar days of vehicle distribution. Prior to transferring title, in addition to determining that the participant has met all relevant eligibility criteria, the Department must—
  - a. Determine that, without assistance from the Department, the participant is financially able to pay all expenses associated with owning the vehicle including, without limitation, expenses associated with the provisions of Subsection VII (C)(1)(b), below; and
  - b. Require the participant, as an additional provision of the Agreement, to—
    - i. maintain active, current registration for the vehicle,
    - ii. maintain active, current insurance on the vehicle,
    - iii. ensure that the vehicle timely passes state inspection, and
    - iv. ensure that all applicable taxes on the vehicle are paid.
2. Monthly Premiums -- Notwithstanding title to the vehicle, participants must pay to the Department a premium of \$100 by the 15<sup>th</sup> day of each calendar month in order to maintain access to such vehicle under the Program.
  - a. If a participant's filing unit (within the meaning of the Maine Public Assistance Manual, Chapter II) has income greater than 200 percent of the federal poverty level, the participant's monthly premium will be \$150.
  - b. A participant's first failure to make a timely monthly premium payment will result in an overpayment in the amount of the premium due and an official warning issued by letter. A second failure to make a timely premium payment will result in an overpayment and an obligation to return the vehicle to the Department, per the Agreement.

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- c. Temporary Waiver -- For no more than one month at a time, the Department may waive the monthly premium and any penalty for failure to make a payment thereof, upon a participant's written or oral request and verification prior to the payment due date that—
- i. the filing unit's income has fallen below 100 percent of the federal poverty level; or
  - ii. the participant is experiencing a crisis or extreme hardship, as determined by the Director of the Office for Family Independence or their designee.

Without regard to this Subsection, if a participant cannot pay the premium for more than two (2) months in a row or three (3) months in a twelve (12) month period, the Department will conduct a new assessment and reassign the participant to a more suitable transportation option, if one is available.

- d. Participants may not receive ASPIRE, FSET, or HOPE support services to cover the premium.
3. Program Graduation -- After a participant has made a total of twenty-four (24) monthly premium payments, in addition to the down payment, participation in the program and obligations under the Agreement will end, and the participant will retain ownership of the vehicle without continuing premium payment obligations. The Department shall notify participants in writing at the time of such graduation.
4. The Department shall pursue an intentional program violation (IPV) when a participant has knowingly failed to return the vehicle upon the Department's demand or has sold or traded the vehicle during Program participation without prior authorization in writing from the Director of the Office for Family Independence or their designee. The dollar amount of any overpayment associated with such an IPV will be the value of the vehicle at the time of the initial transfer of ownership from the Department to the participant. Such amount may not be reduced to account for depreciation, premium payments made, or any other costs incurred and paid by the participant in the course of owning the vehicle.

**VIII. TERMINATION AND APPEAL**

- A. Early Termination of Services -- Program services to a participant shall be terminated when one of the following occurs:
- 1. The participant no longer meets all applicable program eligibility requirements set out in Subsection V; or
  - 2. The participant fails to comply with a provision in their Agreement.



**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
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A participant shall not be terminated from the program due to failure to comply with their Agreement if the noncompliance concerns employment, and the participant demonstrates either --

- a. That the participant was terminated or had hours reduced through no fault of the participant; or
- b. The noncompliance was due to a medical condition or illness of the participant or a dependent who requires full time care. This noncompliance must last no more than two (2) calendar weeks. The medical condition or illness must be verified by a medical provider approved by the Department.

B. Appeal Rights -- A participant who disputes an application decision or a program decision, including a decision on a selection, reduction, or termination of transportation services; a denial of a monthly premium temporary waiver; or an overpayment; has the right to an administrative hearing, provided the request for the hearing is made timely. Department staff will complete the hearing request on behalf of the participant and file it with the Administrative Hearings Unit. See 10-144 C.M.R. Ch. 331, Maine Public Assistance Manual (TANF) Chapter VI, for additional information on Fair Hearings and Administrative Hearings and Intentional Program Violations.

1. The request for an administrative hearing must be made within thirty (30) calendar days of the issuance of the notice of action which is disputed. If the disputed decision involves the suspension or termination of transportation services which have previously been provided, and the participant requests an administrative hearing within ten (10) days of the notice, transportation services will continue pending the outcome of the administrative hearing. In no event, however, will the participant have access to continued Program services pending appeal if the participant violated a term of the Agreement specific to vehicle access.
2. The hearing will be conducted in accordance with the rights and procedures set forth in 10-144 C.M.R. Ch. 1 *et seq.*

**END OF SECTION**

## Kreckel, Brendan D

---

**From:** Moncure, Halliday  
**Sent:** Tuesday, November 3, 2020 7:39 AM  
**To:** Downs, Michael E; Kreckel, Brendan D  
**Cc:** Ray, Liz; Baer, Julian; Sturtevant, Timothy; Johnson, Kimberly  
**Subject:** RE: ASPIRE Rule 25A for OAG Review (Adopted Stage)

**Sensitivity:** Confidential

Good morning –

Thanks for sending this rulemaking for a final review.

Preliminarily - what was the comment deadline? The Fact Sheet states that it was July 5, but the draft Summary of Comments document and the MAPA 3 I found with the proposed rule online state that the deadline was August 20. Why are different dates?

Can you please send the comments, etc. via a shared folder on One Drive? That way they will be easier for us to access and not have to save down the numerous files separately from Teams. Kim Johnson can help if you have questions about using the cloud.

We'll do our best to turn this around as quickly as possible, but it may take a bit longer than the preferred timeline, below, given the amount of comments. We appreciate your understanding in that regard.

Halliday

Halliday Moncure  
Assistant Attorney General  
Office of the Attorney General  
6 State House Station  
Augusta ME 04333-0006  
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[Halliday.Moncure@maine.gov](mailto:Halliday.Moncure@maine.gov)  
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**From:** Downs, Michael E <Michael.E.Downs@maine.gov>  
**Sent:** Monday, November 2, 2020 9:00 PM  
**To:** Kreckel, Brendan D <Brendan.D.Kreckel@maine.gov>; Moncure, Halliday <Halliday.Moncure@maine.gov>  
**Cc:** Ray, Liz <Liz.Ray@maine.gov>; Baer, Julian <Julian.Baer@maine.gov>; Sturtevant, Timothy <Timothy.Sturtevant@maine.gov>  
**Subject:** ASPIRE Rule 25A for OAG Review (Adopted Stage)  
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Good evening Brendan and Halliday,

We have another rule for review. This rule is the top priority with OFI.

For your reference, I have attached the following documents:

- 1) MAPA 3 ASPIRE25 No Fin (This document will go no further in the process, but it is our understanding your office likes to have it as a reference point.)
- 2) Fact Sheet ASPIRE25 v6 (This document will go no further in the process, but it is our understanding your office likes to have it as a reference point.)

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- 6) Rule Pages ASPIRE 25A (Clean) v5
- 7) Rule Pages ASPIRE 25A (TC All) v5
- 8) Rule Pages ASPIRE 25A (TC since proposed) v5 (This copy will go to the commissioner's office, but not to the secretary of state).

The Commissioner deadline to adopt the rule is December 18, 2020. We estimate that the Commissioner will need 2 weeks to review and adopt the rule. We would like to have your initial review of the rule no later than Thanksgiving to allow enough time for changes you may propose and review of same. We apologize for the short time frame. It has taken us quite a while to respond to the 302 comments.

Please let me know if you need additional information or documents for your review, thank you.

Sincerely,

Michael E. Downs  
Policy Senior Planner  
State of Maine  
Dept. Of Health and Human Services  
Office for Family Independence  
Ph (207) 624-4135  
Fx (207) 287-3455

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**Sensitivity:** Confidential

Also – was there a pre-review done on the proposed rule? If so, please forward the pre-review memos.

Thanks.

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## Kreckel, Brendan D

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**Sent:** Tuesday, November 3, 2020 8:23 AM  
**To:** Downs, Michael E; Kreckel, Brendan D  
**Cc:** Ray, Liz; Baer, Julian; Sturtevant, Timothy; Johnson, Kimberly  
**Subject:** RE: ASPIRE Rule 25A for OAG Review (Adopted Stage)  
**Attachments:** Comments Responses (HM edits).docx; 6.8.2020 Summary of Comments\_Telehealth04 (HM edits).docx

**Sensitivity:** Confidential

Hello again (and sorry for the multiple emails) –

Can you please take another stab at the Summary of Comments/Responses document? The following changes are needed:

1. Remove list of people who requested a hearing but provided no comments. This is not required per the APA. See 5 MRS 8052(5). You could state in the introduction that 456 individuals requested a public hearing, which was held via Teams (or Zoom, Skype etc) on x date, but then add a footnote about how they provided no comments.
2. Remove designations of (r) and (ph), as this is also not needed per the APA. There is no need to break out written vs. oral comments. The introduction could state something like, “this document combines all oral and written comments received during the public comment period ending on” x date.
3. It appears that you did this with some folks, but check to make sure that organization information is listed for each individual who submitted a comment (either oral or written). 5 MRS 8052(5).
4. As you summarize the comments, just list them (#s 1 – x), along with reference to the assigned number of the commenter. Do not also include below “Comment 1, Response to Comment 1.” Rather, it should just appear as “Comment: ....” and “Response: ....”

Attached are a couple examples of how the Summary of Comments and Responses and List of Changes to Final Rule MAPA document should appear (these are in draft form with my redline edits for OMS, which were accepted).

In the meantime, we will begin our review of this final rulemaking. Let us know about questions. Thank you.

Halliday

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Policy Senior Planner  
State of Maine  
Dept. Of Health and Human Services  
Office for Family Independence  
Ph (207) 624-4135  
Fx (207) 287-3455

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**Summary of Comments and Responses  
And List of Changes to Final Rule**

**10-144 C.M.R. Chapter 101, MaineCare Benefits Manual  
Chapter I, Section 4, Telehealth Services**

The Department of Health and Human Services started accepting comments on Tuesday May 6, 2020 on the proposed rule changes (no public hearing was held due to the COVID-19 public health emergency). Written comments were accepted through Friday June 5, 2020. This document reflects all written comments received during the public comment period ending on June 5, 2020.

Commenters

1. Kevin A. Osgood, MD, Eastern Maine Medical Center
2. Victoria Webb, [Farmingdale, ME](#)
3. Gina Quinn-Skillings, MD, FACEP MaineHealth
4. Benjamin Strick, LCSW, Spurwink Services

1. **Commenter 1:** The commenter indicated their agreement with the advances in telehealth as put forth in the proposed rule. The commenter continued to express that telehealth is especially useful in a rural state like Maine and agreed that we should do what is necessary to meet the patient's needs.

Additionally, the commenter indicated that they could not view the rule at the designated location upon his attempt to access the rule.

**Response:** The Department appreciates the commenter's support of the changes set forth in the Telehealth proposed rule. The Department agrees that the proposed changes will help facilitate health care in rural Maine and are intended to prioritize the patient's needs.

The Department verified that the rule was, indeed, available at <http://www.maine.gov/dhhs/oms/rules/index.shtm> and concluded the commenter likely accessed the wrong link during his search for the document. The Department made no changes to the final rules as a result of this comment.

2. **Commenter 2:** The commenter asked whether the Department would be using the updated E/M rates for the proposed new telehealth codes. The commenter indicated that Centers for Medicare and Medicaid Services (CMS) had announced the new rates the week of 5/4/2020.

**Response:** The Department will utilize the same rates and rate-setting methodology from the COVID-19 Emergency Rule and the proposed Telehealth rule within this adopted rule. The Department will take this comment into consideration for future rulemakings. No changes were made to the final rule as a result of these comments.

3. **Commenter 3:** Commenter 3 noted and acknowledged that flexibilities and waivers initiated by the Department through the COVID crisis have increased access and use of telehealth services and supports adoption of the proposed rule.

**Response:** The Department is supportive of increased access to and utilization of telehealth services for members. No changes were made to the final rule as a result of these comments.

- 4. Commenter 3:** Commenter 3 requested the Department permanently adopt the “COVID Rule” (10-144 C.M.R. Ch. 101, Ch. I, Sec. 5) that waives unavailability of interactive Telehealth Services prior to utilization of Telephonic Services (4.04-3) to continue to support members uncomfortable with use of video technology, including behavioral health clients and older patients. Commenter 3 states that providers report they are able to provide the same quality of care to these patients without video, and that providers and patients should have the flexibility to utilize technology that best suits their treatment needs.

**Response:** Through this adopted rulemaking, the Department is permanently opening several telephone evaluation and management codes for reimbursement. The new services could be used in situations where a member is uncomfortable with the use of video technology. No changes were made to the final rule as a result of these comments.

- 5. Commenter 3:** Commenter 3 requested the Department permanently adopt the “COVID Rule” (10-144 C.M.R. Ch. 101, Ch. I, Sec. 5) which waives the requirement in 4.06-2 (B) that member education be provided and written consent be obtained prior to the provision of telehealth services ~~occur~~. The commenter states that this requirement is overly burdensome for members in rural location or of advanced age. Alternative methods of obtaining consent, including verbal consent, and providing member education have proven effective without requiring a member to travel to a provider’s office.

**Response:** The Department acknowledges that written consent can occur via email and still satisfy the 4.06-2 (B) requirement. As a result, after the COVID pandemic ends, the Department does not believe this requirement is overly burdensome to members. No changes were made to the final rule as a result of these comments.

- 6. Commenter 3:** Commenter 3 requested consideration by the Department to provide reimbursement for “Member Education” regarding orientation and training members on the use of telehealth technology as the administrative burden has increased significantly as a result of the increased use of telehealth in general. A provider may spend up to an hour orienting or educating an individual on how to use telehealth and prepare for a telehealth session.

**Response:** This suggestion is outside the scope of the current rulemaking. The Department will take this new service request into consideration for future rule makings. No changes were made to the final rule as a result of these comments.

- 7. Commenter 4:** Commenter noted that during the COVID-19 emergency, initial in person psychiatry visits are not required. Commenter requested that this policy be continued through the telehealth rule to include provision of medication management services telephonically, including the initial visit, when requested by a client and clinically indicated. Commenter explained that some clients will continue to require in-person monitoring, especially those being prescribed controlled substances or antipsychotic medication.

**Response:** The Telehealth rule does not waive policy requirements outlined in other sections of the MaineCare Benefits Manual. However, the instant rulemaking removed the prior prohibition on delivery of Section 80 pharmacy services via Telehealth. Further, the Telehealth rule permits the delivery of covered services via telehealth to satisfy in-person requirements as long as all other

requirements are met for both the Telehealth rule and the rule that governs the underlying covered service. No changes were made to the final rule as a result of these comments.

## LIST OF CHANGES TO FINAL RULE

1. As a result of review by the Office of the Attorney General, the Department finds that it must amend the final rule to include a covered service description for Telephonic Evaluation & Management, in Sec. 4.04-6. The Department also added reference to Telephone Evaluation & Management in 4.06-2(B) and 4.06-3(B). The Telephone Evaluation & Management billing codes were included in the proposed rule and remain as-is in the final adopted rule. The additional language is intended to help providers understand the requirements for reimbursement for Telephone Evaluation & Management and how the service is different from Telephonic Services.
2. As a result of review by the Office of the Attorney General, the Department finds that it must amend the final rule to update ~~two several~~ billing codes to make them consistent with the COVID Emergency Rule: G2010 and G2012; these were ~~all~~ reimbursement increases or simply adding a facility and non-facility rate.

**10-144 C.M.R. Chapter 101, MaineCare Benefits Manual  
Chapters III, Section 45, Principles of Reimbursement, Hospital Services**

**Summary of Public Comments and the Department's Responses  
And List of Changes Made to the Final Rule**

The Department of Health and Human Services provided a 30-day comment period in lieu of a public hearing on this proposed rule. Written and verbal comments were accepted through July 17, 2020. Comments were received from the following people:

**Table of Commenters**

1. Albert G. Swallow III, CFO, MaineHealth
2. David S. Winslow, VP of Financial Policy, Maine Hospital Association

**Summary of Comments and Responses**

1. **Comment:** Commenter 1 shared support for the Department's proposed increase reimbursement for rural hospitals. Commenter 1 stated that Pen Bay Medical Center, a Sole Community Hospital, should be included in the list of hospitals that meet the definition of "rural hospital" based on the proposed definition.

**Response:** The Department thanks Commenter 1 for the comment. The proposed language does not exclude any hospital that qualifies as "rural" under the proposed definition. The proposed definition was written to include particular hospitals but was not limited to particular hospitals. If Pen Bay Medical Center meets the definition of "rural hospital" based on the proposed definition, then Pen Bay Medical Center would be included as a "rural hospital" under the proposed change. No change was made to the final rule based on this comment.

[add more about Commenter 1's comments. For example – need more details from second para: 6 of 9 of MeHealth's sys located in rural communities, they're suffering, PL doesn't solve but it's an important step, then details from last paragraph, too. Can just thank for comments and say no changes made]

2. **Comment:** Commenter 2 stated that although the Department's proposed changes in reimbursement for hospital-based physicians in rural hospitals is a significant improvement, because the current reimbursement formula for the hospitals in the remainder of the state are limited to essentially 83.7% of allowable hospital-based physician costs, resulting in a guaranteed financial loss of 16.3% on each MaineCare patient served, the result provides an extremely poor public policy. Commenter 2 encourages the Department to propose a change to address the poor public policy in the upcoming biennial budget, particularly in light of the recent dramatic changes due to MaineCare expansion, the COVID-19 pandemic, and fewer physicians being available to treat patients.

**Response:** The Department thanks Commenter 2 for the comment. The Department understands Commenter 2's position in relation to the reimbursement formula for hospital-based physician allowable costs and will take the comments into consideration when considering future rulemaking changes under this section of policy. No change was made to the final rule based on this comment.

3. **Comment:** Commenter 2 shared support for the Department's proposed change in allocating additional supplemental pool funding equally between Acute Care Critical Access Hospitals and Acute Care non-Critical Access Hospitals.

**Response:** The Department thanks Commenter 2 for the comment and for acknowledging support of the Department's proposed change to the supplemental pool funding allocation. No change was made to the final rule based on this comment.

### List of Changes Made to the Final Rule

~~(completion of this document is pending OAG final review)~~

Add reference to all changes and bases for same. Much of this will be removal of CMS contingency language b/c of approved SPAs, but in some cases may need to explain more (changing of dates etc).



## Kreckel, Brendan D

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Great. I will be helping Tom with a hearing for most of today, all day tomorrow and Thursday. But I should be able to start in earnest on Friday.

Brendan

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Maine Office of the Attorney General  
Department of Health and Human Services  
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Great! I appreciate your help.

They need to revise the Summary of Comments document (I expect we may get some pushback), but we can still start our review of the rulemaking, and the comments.

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Yes that works for me. I will reach out if I have questions.

Brendan

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Please let me know if you need additional information or documents for your review, thank you.

Sincerely,

Michael E. Downs  
Policy Senior Planner  
State of Maine  
Dept. Of Health and Human Services  
Office for Family Independence  
Ph (207) 624-4135  
Fx (207) 287-3455

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## Kreckel, Brendan D

---

**From:** Moncure, Halliday  
**Sent:** Tuesday, November 3, 2020 8:25 AM  
**To:** Kreckel, Brendan D  
**Subject:** RE: ASPIRE Rule 25A for OAG Review (Adopted Stage)

**Sensitivity:** Confidential

Great! I appreciate your help.

They need to revise the Summary of Comments document (I expect we may get some pushback), but we can still start our review of the rulemaking, and the comments.

Halliday Moncure  
Assistant Attorney General  
Office of the Attorney General  
6 State House Station  
Augusta ME 04333-0006  
Tel: 207 626 8555  
Fax: 207 287 3145  
[Halliday.Moncure@maine.gov](mailto:Halliday.Moncure@maine.gov)  
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**Sent:** Tuesday, November 3, 2020 7:53 AM  
**To:** Moncure, Halliday <Halliday.Moncure@maine.gov>  
**Subject:** RE: ASPIRE Rule 25A for OAG Review (Adopted Stage)  
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Brendan

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**To:** Kreckel, Brendan D <[Brendan.D.Kreckel@maine.gov](mailto:Brendan.D.Kreckel@maine.gov)>; Moncure, Halliday <[Halliday.Moncure@maine.gov](mailto:Halliday.Moncure@maine.gov)>  
**Cc:** Ray, Liz <[Liz.Ray@maine.gov](mailto:Liz.Ray@maine.gov)>; Baer, Julian <[Julian.Baer@maine.gov](mailto:Julian.Baer@maine.gov)>; Sturtevant, Timothy <[Timothy.Sturtevant@maine.gov](mailto:Timothy.Sturtevant@maine.gov)>  
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**Sent:** Tuesday, November 3, 2020 7:53 AM  
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## Kreckel, Brendan D

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**From:** Kreckel, Brendan D  
**Sent:** Tuesday, November 3, 2020 8:31 AM  
**To:** Moncure, Halliday  
**Subject:** RE: ASPIRE Rule 25A for OAG Review (Adopted Stage)

**Sensitivity:** Confidential

Great. I will be helping Tom with a hearing for most of today, all day tomorrow and Thursday. But I should be able to start in earnest on Friday.

Brendan

Brendan Kreckel, A.A.G.  
Maine Office of the Attorney General  
Department of Health and Human Services  
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## Kreckel, Brendan D

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**Cc:** Ray, Liz; Baer, Julian; Sturtevant, Timothy; Johnson, Kimberly  
**Subject:** RE: ASPIRE Rule 25A for OAG Review (Adopted Stage)  
**Attachments:** RE: ASPIRE 25 for pre-review; RE: ASPIRE 25P updated MAPAs for OAG review

**Sensitivity:** Confidential

Good morning Halliday,

The original comment deadline was Jul 5. On Jul 5 we received the petition for a hearing and had to republish the rule with an extended comment deadline of August 20. I have attached the initial pre-review approval, from AAG Tom Quinn, and the second round pre-review approval from you.

I have attempted to set up a one-drive folder to share documents. I do not appear to have the correct permissions to share it. I have reached out to Kimberly Johnson per your suggestion. In the meantime, the documents in teams can be opened edited and worked with the same way they can in a one drive folder or a more traditional shared drive folder. There is no need to save them to a second location.

I will start on the formatting changes you suggest in 1, 2, and 4 below but would request that in the meantime you start verifying the substance of the comments and responses. As for #3, an organization was listed for each commenter who listed an organization. Most did not.

Cordially,

Michael E. Downs  
Policy Senior Planner  
State of Maine  
Dept. Of Health and Human Services  
Office for Family Independence  
Ph (207) 624-4135  
Fx (207) 287-3455

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---

**From:** Moncure, Halliday <Halliday.Moncure@maine.gov>  
**Sent:** Tuesday, November 3, 2020 8:23 AM  
**To:** Downs, Michael E <Michael.E.Downs@maine.gov>; Kreckel, Brendan D <Brendan.D.Kreckel@maine.gov>  
**Cc:** Ray, Liz <Liz.Ray@maine.gov>; Baer, Julian <Julian.Baer@maine.gov>; Sturtevant, Timothy <Timothy.Sturtevant@maine.gov>; Johnson, Kimberly <Kimberly.Johnson@maine.gov>

**Subject:** RE: ASPIRE Rule 25A for OAG Review (Adopted Stage)

**Sensitivity:** Confidential

Hello again (and sorry for the multiple emails) –

Can you please take another stab at the Summary of Comments/Responses document? The following changes are needed:

1. Remove list of people who requested a hearing but provided no comments. This is not required per the APA. See 5 MRS 8052(5). You could state in the introduction that 456 individuals requested a public hearing, which was held via Teams (or Zoom, Skype etc) on x date, but then add a footnote about how they provided no comments.
2. Remove designations of (r) and (ph), as this is also not needed per the APA. There is no need to break out written vs. oral comments. The introduction could state something like, “this document combines all oral and written comments received during the public comment period ending on” x date.
3. It appears that you did this with some folks, but check to make sure that organization information is listed for each individual who submitted a comment (either oral or written). 5 MRS 8052(5).
4. As you summarize the comments, just list them (#s 1 – x), along with reference to the assigned number of the commenter. Do not also include below “Comment 1, Response to Comment 1.” Rather, it should just appear as “Comment: ....” and “Response: ....”

Attached are a couple examples of how the Summary of Comments and Responses and List of Changes to Final Rule MAPA document should appear (these are in draft form with my redline edits for OMS, which were accepted).

In the meantime, we will begin our review of this final rulemaking. Let us know about questions. Thank you.

Halliday

Halliday Moncure  
Assistant Attorney General  
Office of the Attorney General  
6 State House Station  
Augusta ME 04333-0006  
Tel: 207 626 8555  
Fax: 207 287 3145  
[Halliday.Moncure@maine.gov](mailto:Halliday.Moncure@maine.gov)  
Preferred pronouns she/her/hers

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---

**From:** Moncure, Halliday

**Sent:** Tuesday, November 3, 2020 7:43 AM

**To:** Downs, Michael E <[Michael.E.Downs@maine.gov](mailto:Michael.E.Downs@maine.gov)>; Kreckel, Brendan D <[Brendan.D.Kreckel@maine.gov](mailto:Brendan.D.Kreckel@maine.gov)>

**Cc:** Ray, Liz <[Liz.Ray@maine.gov](mailto:Liz.Ray@maine.gov)>; Baer, Julian <[Julian.Baer@maine.gov](mailto:Julian.Baer@maine.gov)>; Sturtevant, Timothy

<[Timothy.Sturtevant@maine.gov](mailto:Timothy.Sturtevant@maine.gov)>; Johnson, Kimberly <[Kimberly.Johnson@maine.gov](mailto:Kimberly.Johnson@maine.gov)>

**Subject:** RE: ASPIRE Rule 25A for OAG Review (Adopted Stage)

**Sensitivity:** Confidential

Also – was there a pre-review done on the proposed rule? If so, please forward the pre-review memos.

Thanks.

Halliday Moncure  
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Preferred pronouns she/her/hers

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---

**From:** Moncure, Halliday  
**Sent:** Tuesday, November 3, 2020 7:39 AM  
**To:** Downs, Michael E <[Michael.E.Downs@maine.gov](mailto:Michael.E.Downs@maine.gov)>; Kreckel, Brendan D <[Brendan.D.Kreckel@maine.gov](mailto:Brendan.D.Kreckel@maine.gov)>  
**Cc:** Ray, Liz <[Liz.Ray@maine.gov](mailto:Liz.Ray@maine.gov)>; Baer, Julian <[Julian.Baer@maine.gov](mailto:Julian.Baer@maine.gov)>; Sturtevant, Timothy <[Timothy.Sturtevant@maine.gov](mailto:Timothy.Sturtevant@maine.gov)>; Johnson, Kimberly <[Kimberly.Johnson@maine.gov](mailto:Kimberly.Johnson@maine.gov)>  
**Subject:** RE: ASPIRE Rule 25A for OAG Review (Adopted Stage)  
**Sensitivity:** Confidential

Good morning –

Thanks for sending this rulemaking for a final review.

Preliminarily - what was the comment deadline? The Fact Sheet states that it was July 5, but the draft Summary of Comments document and the MAPA 3 I found with the proposed rule online state that the deadline was August 20. Why are different dates?

Can you please send the comments, etc. via a shared folder on One Drive? That way they will be easier for us to access and not have to save down the numerous files separately from Teams. Kim Johnson can help if you have questions about using the cloud.

We'll do our best to turn this around as quickly as possible, but it may take a bit longer than the preferred timeline, below, given the amount of comments. We appreciate your understanding in that regard.

Halliday

Halliday Moncure  
Assistant Attorney General  
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Augusta ME 04333-0006  
Tel: 207 626 8555  
Fax: 207 287 3145  
[Halliday.Moncure@maine.gov](mailto:Halliday.Moncure@maine.gov)  
Preferred pronouns she/her/hers

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---

**From:** Downs, Michael E <[Michael.E.Downs@maine.gov](mailto:Michael.E.Downs@maine.gov)>  
**Sent:** Monday, November 2, 2020 9:00 PM  
**To:** Kreckel, Brendan D <[Brendan.D.Kreckel@maine.gov](mailto:Brendan.D.Kreckel@maine.gov)>; Moncure, Halliday <[Halliday.Moncure@maine.gov](mailto:Halliday.Moncure@maine.gov)>  
**Cc:** Ray, Liz <[Liz.Ray@maine.gov](mailto:Liz.Ray@maine.gov)>; Baer, Julian <[Julian.Baer@maine.gov](mailto:Julian.Baer@maine.gov)>; Sturtevant, Timothy <[Timothy.Sturtevant@maine.gov](mailto:Timothy.Sturtevant@maine.gov)>  
**Subject:** ASPIRE Rule 25A for OAG Review (Adopted Stage)  
**Sensitivity:** Confidential

Good evening Brendan and Halliday,

We have another rule for review. This rule is the top priority with OFI.

For your reference, I have attached the following documents:

- 1) MAPA 3 ASPIRE25 No Fin (This document will go no further in the process, but it is our understanding your office likes to have it as a reference point.)
- 2) Fact Sheet ASPIRE25 v6 (This document will go no further in the process, but it is our understanding your office likes to have it as a reference point.)

I will provide the comments, hearing transcript, and a spread sheet that helps to cross-reference them via Teams Chat as the sheer volume will exceed the attachments limits in Outlook.

For your review, I have attached the following documents:

- 1) APA checklist ASPIRE25A v2
- 2) Basis Statement ASPIRE25A v3
- 3) MAPA 1 ASPIRE25A v3
- 4) MAPA 4 ASPIRE25A v3
- 5) Summary and Responses to Comments ASPIRE25 v8
- 6) Rule Pages ASPIRE 25A (Clean) v5
- 7) Rule Pages ASPIRE 25A (TC All) v5
- 8) Rule Pages ASPIRE 25A (TC since proposed) v5 (This copy will go to the commissioner's office, but not to the secretary of state).

The Commissioner deadline to adopt the rule is December 18, 2020. We estimate that the Commissioner will need 2 weeks to review and adopt the rule. We would like to have your initial review of the rule no later than Thanksgiving to allow enough time for changes you may propose and review of same. We apologize for the short time frame. It has taken us quite a while to respond to the 302 comments.

Please let me know if you need additional information or documents for your review, thank you.

Sincerely,

Michael E. Downs  
Policy Senior Planner  
State of Maine

Dept. Of Health and Human Services  
Office for Family Independence  
Ph (207) 624-4135  
Fx (207) 287-3455

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## Kreckel, Brendan D

---

**From:** Quinn, Thomas J  
**Sent:** Thursday, May 14, 2020 9:58 AM  
**To:** Downs, Michael E  
**Cc:** Ray, Liz; Baer, Julian; Johnson, Kimberly  
**Subject:** RE: ASPIRE 25 for pre-review  
**Attachments:** Rule Pages ASPIRE 25P (TC) v13 (002).docx

**Sensitivity:** Confidential

Hi Michael:

Thanks for redirecting me back to this one. I've reviewed the docs you returned to me, and have only a couple of minor stylistic suggestions, as indicated in the tracked changes here. Basically they are all in the Definitions section, specifically:

1. In FSNET definition, as indicated, change semicolon to a comma;
2. In HOPE definition, delete the comma after 'provider,' and change "Low" income to "low" income (unless there's a reason otherwise).

I agree with all of your other changes. I do seem to recall wondering about the earlier language about the Department assisting in preparation for a hearing, but I can't recall if we discussed that. I think there may be language elsewhere in the Manual about providing some help in making their case but I think that may refer to the process before a decision is made. Anyway, I think this is a prudent change (along with the others).

Let me know if you have further questions. I'll get back to you soon re MC296A.

Regards,  
Tom

---

**From:** Downs, Michael E <Michael.E.Downs@maine.gov>  
**Sent:** Monday, April 13, 2020 4:47 PM  
**To:** Quinn, Thomas J <Thomas.J.Quinn@maine.gov>  
**Cc:** Ray, Liz <Liz.Ray@maine.gov>; Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** RE: ASPIRE 25 for pre-review  
**Sensitivity:** Confidential

Good afternoon Mr. Quinn,

Since your last review of ASPIRE 25P, we have accepted your edits. As a result of OFI and Commissioner's Office review, we have made the following additional edits. Some are substantive and we would appreciate your feedback on those (particularly the highlighted ones).

- 1) Inconsequential adjustments to capitalization, punctuation, presentation of figures, spacing, correction of long standing typos and pagination.
- 2) The following definitions were corrected:
  - a. "Exempt from the Time Limit" was clarified to apply to the month not the individual.
  - b. HOPE
- 3) Section 18 (III)(B)(2) was added, providing a definition of earned income (via reference to the TANF manual)

- 4) Section 18 (III)(C) was removed. The sunset of the program is clear in statute (which is referenced in the opening paragraph of this Section). Including it here would be redundant, and Keven Wells pointed out that the Department does not have the authority to extend the program the way it was detailed here.
- 5) Section 18 (VIII)(B)(2) was removed as it stated that the Department would offer to assist the participant in preparing for the hearing.
- 6) The rights detailed in Section 18 (VIII)(B)(was 3 now 2) were replaced with a reference to 10-144 C.M.R. Ch. 1 to reduce redundancy.

I have included updated copies of the Rule Pages for your review. As always, If I can be of any assistance in this process, please do not hesitate to reach out. E-mail, Skype, and Teams are always options. If you want to reach out by phone, (207) 812-1298 is the number to use for the duration of the work-from-home directive.

Thank you,

Michael E. Downs  
Policy Senior Planner  
State of Maine  
Dept. Of Health and Human Services  
Office for Family Independence  
Ph (207) 624-4135  
Fx (207) 287-3455

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---

**From:** Quinn, Thomas J <[Thomas.J.Quinn@maine.gov](mailto:Thomas.J.Quinn@maine.gov)>  
**Sent:** Thursday, February 20, 2020 12:47 PM  
**To:** Downs, Michael E <[Michael.E.Downs@maine.gov](mailto:Michael.E.Downs@maine.gov)>  
**Cc:** Ray, Liz <[Liz.Ray@maine.gov](mailto:Liz.Ray@maine.gov)>  
**Subject:** RE: ASPIRE 25 for pre-review (again)  
**Sensitivity:** Confidential

Hi Michael:

Sorry for the delays in getting this back to you. I've been busier than usual lately with some of my non-OFI areas of responsibility, including APS substantiation hearings and involuntary commitment hearings. It looks like I have a bit of space here in the next couple of weeks so hopefully I can get the remainder of the waiting Rules back to you soon.

As for ASPIRE 25P, I had not corrections/suggestions to the various MAPA documents, so I have not attached those. I have attached my suggested revisions to the Rule Pages. For some reason, though, at least from my side my track changes did not seem to show strikethroughs on material I deleted (although it deleted it) although it did (and does) show additions/insertions. I hope this isn't too big a problem, if you likewise can't see deletions. I think in each instance in which I deleted something I inserted something else, so – worst case scenario – it's at least possible to look at where my additions are and compare to the version you provided to see the adjacent changes. If any of them are unclear you can call/email me and I can describe any deletions/changes that are not obvious. For the most part again these are almost always simply stylistic changes where I added a word or two to make the language parallel or (at least in my

mind) clearer. The closest to real substantive additions is in the final few paragraphs where I added language about appeals and removed a phrase -- in (3)(f) -- that I thought was redundant.

Let me know if you need to clarify any of this. Otherwise I think we are set with this pre-review. Thanks.

Tom

---

**From:** Downs, Michael E <[Michael.E.Downs@maine.gov](mailto:Michael.E.Downs@maine.gov)>  
**Sent:** Friday, November 22, 2019 4:21 PM  
**To:** Quinn, Thomas J <[Thomas.J.Quinn@maine.gov](mailto:Thomas.J.Quinn@maine.gov)>  
**Cc:** Ray, Liz <[Liz.Ray@maine.gov](mailto:Liz.Ray@maine.gov)>; Croteau, Dawn <[Dawn.Croteau@maine.gov](mailto:Dawn.Croteau@maine.gov)>; Baer, Julian <[Julian.Baer@maine.gov](mailto:Julian.Baer@maine.gov)>  
**Subject:** ASPIRE 25 for pre-review (again)  
**Sensitivity:** Confidential

Good afternoon Mr. Quinn,

Attached please find documents for the pre-review of ASPIRE25 – Working Cars for Working Families. The bulk of this rule change is a whole new section to the manual. There are some tweaks to the definitions section as well. We had sent a version of this rule this past summer, but there were changes required before you had a chance to pre-review it.

Thank you for your time with this pre-review, and, as always, please let me know if I can be of further assistance.

Appreciatively,

Michael E. Downs  
Policy Senior Planner  
State of Maine  
Dept. Of Health and Human Services  
Office for Family Independence  
Ph (207) 624-4135  
Fx (207) 287-3455

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## Kreckel, Brendan D

---

**From:** Moncure, Halliday  
**Sent:** Tuesday, July 14, 2020 11:17 AM  
**To:** Downs, Michael E  
**Cc:** Ray, Liz; Baer, Julian  
**Subject:** RE: ASPIRE 25P updated MAPAs for OAG review

**Sensitivity:** Confidential

Hi Michael –

Nice job with moving so quickly to amend your rulemaking documents and coordinate the public hearing via videoconference. I appreciate all the details that OFI provided about the process, and that, following a test run, it appears you've worked out any technology issues (of course, you'll have time to do another test if needed prior to Aug. 10).

There was one typo in the MAPA 3 where it references "this Amended Fact Sheet is filed because..." Otherwise, the revised documents look good and ready for filing. I assume you will also prepare a substantively similar IP notice?

Thank you.

Halliday

Halliday Moncure  
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Tel: 207 626 8555  
Fax: 207 287 3145  
[Halliday.Moncure@maine.gov](mailto:Halliday.Moncure@maine.gov)

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---

**From:** Downs, Michael E <Michael.E.Downs@maine.gov>  
**Sent:** Tuesday, July 14, 2020 10:54 AM  
**To:** Moncure, Halliday <Halliday.Moncure@maine.gov>  
**Cc:** Ray, Liz <Liz.Ray@maine.gov>; Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** RE: ASPIRE 25P updated MAPAs for OAG review  
**Sensitivity:** Confidential

Good morning Halliday,

We would like to request pre-review of the attached MAPA 3 and Fact Sheet.

We have secured the telephonic support to queue up commenters and did a test this morning of the phone to Teams functionality. I sent a recording of the test event via Teams (It was too big for e-mail) in case you would like to review it for viability. Prior to recording time 7:45 we were waiting for people to join and working out logistics. I would recommend you watch/listen from 7:45 to 8:45 I think that gives you a good sense of how it worked, anything beyond that was just us testing other features.

Teams generated an AttendeeReport (attached) which will act as our sign in sheet. Teams generated a Qna\_Report (attached) which keeps a record of that interaction. All other chat functionality was and will be disabled. Teams also generated a transcript, but I reviewed it and was not impressed with the quality. (E.g. when I said "Julian" it transcribed as "Gilliam" and when it said "it's, umm, just that", it transcribed as "it's just dumb that".) We will manually transcribe from the recording as we do with in-person hearings.

I have attached updated versions of the MAPA documents for your review. We accepted your first round of edits whole cloth.

**Fact Sheet** – please see my suggested edits in redline, attached.

1. Can you please confirm that this Fact Sheet contains all the substantive information that was included in the originally filed Fact Sheet (in terms of what this rulemaking does, financial impact, etc.)?  
**Yes all of those items are consistent with the MAPA documents pre-reviewed by AAG Tom Quinn.**
2. Revise comment deadline to 5pm on 8/20/2020. Typically the comment deadline is the close of business on that date.
3. I removed reference to 5 MRS 8051-B because this is not consensus-based rulemaking. Rather, this is "typical" routine technical rulemaking where, during the comment period, 5 people have requested a public hearing per 8052(1).
4. Revise language to state that the Department extended the comment period. In other words, if the Department gets additional comments at the end of the week after it issues the revised IP notice, it will accept those comments (they do not have to be submitted on or after 7/22).

**MAPA 3** – please make changes consistent with the Amended Fact Sheet.

Then made additional edits which we believe address your additional comments.

- 1) the MAPA documents should say that /people may need to download the Teams app/ so people can be prepared to participate prior to the time of the public hearing.
- 2) **Please revise the MAPA documents to make this /intention to broadcast via Teams and have people call in with comments/clear.**

We would like to be able to deliver these documents to the SOS today.

We have another request related to this hearing, but it can wait until tomorrow or any time before August 10. We would also like the OAG's input on our ability to tell people who want to submit comments through the Q&A, that they will not be accepted that way. We plan to provide all the normal web site, e-mail and snail-mail methods and the call in number for the hearing. And have that information available through "announcements" in the event (which would have clickable links) as well as on a continuous loop PowerPoint of 3 to 5 slides that would display throughout the hearing. We are hoping you can provide some language for our opening remarks and/or cut and paste language that we can send as a response if someone attempts to submit official comments through the Q&A. The alternative would be to disable the Q&A altogether, but that would keep us from providing the clickable links, and prevent attendees to notify us if they are having trouble getting through on the phone line.

Please let me know if there is anything else I can do or provide to assist with this process?

Thank you

Michael E. Downs  
Policy Senior Planner  
State of Maine  
Dept. Of Health and Human Services  
Office for Family Independence  
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Fx (207) 287-3455

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---

**From:** Downs, Michael E  
**Sent:** Monday, July 13, 2020 1:00 PM  
**To:** Moncure, Halliday <[Halliday.Moncure@maine.gov](mailto:Halliday.Moncure@maine.gov)>  
**Cc:** Ray, Liz <[Liz.Ray@maine.gov](mailto:Liz.Ray@maine.gov)>; Baer, Julian <[Julian.Baer@maine.gov](mailto:Julian.Baer@maine.gov)>  
**Subject:** RE: ASPIRE 25P updated MAPAs for OAG review  
**Sensitivity:** Confidential

Good afternoon Halliday,

No need to apologize. We are all trying to address many moving parts where this rule is concerned.

We are still ironing out the details around the call in number. That factor is the largest one standing in the way of a test of the tech, and the more complete language you are requesting (and we would prefer) for MAPAs. We will hold off on moving the documents forward until these details can be resolved.

Everything I have researched on Teams indicates that with a computer you can just go to the URL. When I did a mini-test myself of the live event feature, I did need to download an app to access the meeting on my cell phone.

Thank you,

Michael E. Downs  
Policy Senior Planner  
State of Maine  
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Fx (207) 287-3455

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---

**From:** Moncure, Halliday <[Halliday.Moncure@maine.gov](mailto:Halliday.Moncure@maine.gov)>  
**Sent:** Monday, July 13, 2020 12:56 PM  
**To:** Downs, Michael E <[Michael.E.Downs@maine.gov](mailto:Michael.E.Downs@maine.gov)>  
**Cc:** Ray, Liz <[Liz.Ray@maine.gov](mailto:Liz.Ray@maine.gov)>; Baer, Julian <[Julian.Baer@maine.gov](mailto:Julian.Baer@maine.gov)>  
**Subject:** RE: ASPIRE 25P updated MAPAs for OAG review  
**Sensitivity:** Confidential

Hi Michael –

Apologies for the multiple emails. Another question is whether people need to download an app on their computer in order to access Microsoft Teams Live and/or call in to the Teams Live event. If yes, then the MAPA documents should say that so people can be prepared to participate prior to the time of the public hearing.

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Augusta ME 04333-0006  
Tel: 207 626 8555  
Fax: 207 287 3145  
[Halliday.Moncure@maine.gov](mailto:Halliday.Moncure@maine.gov)

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---

**From:** Moncure, Halliday  
**Sent:** Monday, July 13, 2020 12:45 PM  
**To:** Downs, Michael E <[Michael.E.Downs@maine.gov](mailto:Michael.E.Downs@maine.gov)>  
**Cc:** Ray, Liz <[Liz.Ray@maine.gov](mailto:Liz.Ray@maine.gov)>; Baer, Julian <[Julian.Baer@maine.gov](mailto:Julian.Baer@maine.gov)>  
**Subject:** RE: ASPIRE 25P updated MAPAs for OAG review  
**Sensitivity:** Confidential

Responses in blue, below. As noted, I suggest you revise the MAPA documents to be more clear about what people need to do to access and participate in the public hearing.

I'm available via cell, 207.504.6799, if you'd like to speak.

Halliday Moncure  
Assistant Attorney General  
Office of the Attorney General  
6 State House Station  
Augusta ME 04333-0006  
Tel: 207 626 8555  
Fax: 207 287 3145  
[Halliday.Moncure@maine.gov](mailto:Halliday.Moncure@maine.gov)

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**From:** Downs, Michael E <[Michael.E.Downs@maine.gov](mailto:Michael.E.Downs@maine.gov)>  
**Sent:** Monday, July 13, 2020 12:30 PM  
**To:** Moncure, Halliday <[Halliday.Moncure@maine.gov](mailto:Halliday.Moncure@maine.gov)>  
**Cc:** Ray, Liz <[Liz.Ray@maine.gov](mailto:Liz.Ray@maine.gov)>; Baer, Julian <[Julian.Baer@maine.gov](mailto:Julian.Baer@maine.gov)>; Quinn, Thomas J <[Thomas.J.Quinn@maine.gov](mailto:Thomas.J.Quinn@maine.gov)>  
**Subject:** RE: ASPIRE 25P updated MAPAs for OAG review  
**Sensitivity:** Confidential

Good morning Halliday,

Please see the responses below in red.

Thank you,

Michael E. Downs  
Policy Senior Planner  
State of Maine  
Dept. Of Health and Human Services  
Office for Family Independence  
Ph (207) 624-4135  
Fx (207) 287-3455

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---

**From:** Moncure, Halliday <[Halliday.Moncure@maine.gov](mailto:Halliday.Moncure@maine.gov)>  
**Sent:** Monday, July 13, 2020 12:01 PM  
**To:** Downs, Michael E <[Michael.E.Downs@maine.gov](mailto:Michael.E.Downs@maine.gov)>  
**Cc:** Ray, Liz <[Liz.Ray@maine.gov](mailto:Liz.Ray@maine.gov)>; Baer, Julian <[Julian.Baer@maine.gov](mailto:Julian.Baer@maine.gov)>; Quinn, Thomas J <[Thomas.J.Quinn@maine.gov](mailto:Thomas.J.Quinn@maine.gov)>  
**Subject:** RE: ASPIRE 25P updated MAPAs for OAG review  
**Sensitivity:** Confidential

Hello again, Michael –

Please accept these follow up comments and questions regarding the public hearing.

1. Although I am not familiar with the technology, others in our office report that the Microsoft “Teams Live” platform may not allow the public to orally present their comments.  
Correctish. A Teams Live event only allows people designated as presenters to be heard. The “Producer” can designate various people in the meeting as presenters, but that is limited to those who have connected via the Teams application on a computer. Our intention is to use the Event as a broadcasting medium and ask people to call in to a phone line with comments. This approach is similar to updates being provided by Gov. Mills and Dir. Shah or a radio call in program.



**Please revise the MAPA documents to make this clear.** As it stands, it appears that folks may click on the Teams link that you publish and participate via computer or other device in a public hearing video conference. In order to participate in this public hearing, if people must (1) click a link, and (2) call a phone number, the MAPA documents should say that. Otherwise, it could be that some folks access the hearing via computer, thinking they can participate/submit their comments, and don't have a telephone available.

2. Another question is – if members of the public can speak during a Teams Live event, whether other members can hear them.

Anyone in the event can hear the presenters. We plan to have the audio from the call broadcast through the event (again like a radio call in program).

3. There may also be issues with members of the public typing comments during the public hearing – can they do that (I would think that the Dept. does not want to permit this particular function)? If so, can other members of the public see those comments? Or does the person running the Teams Live event control the written comments and decide what to publish?

Comment functionality in a Teams event is limited at best. The most someone could do would be to submit something through the Q & A. That "Q" would be visible only to the presenters. They would have the option of ignoring it (not one we would exercise), responding individually, or responding to the whole event (which would make the "Q" and the "A" visible to everyone.) Presenters can also use the Q and A the post "announcements" (like the call in number or link to the rule language) to the entire event.

The Department also has the option of shutting off this limited chat capability.

Our plan is to keep the Q and A functional so that we can post announcements, or field concerns if someone can't get through to the call in number or access the link. But will make it clear that comments should be called in or submitted in writing through one of the traditional formats.

4. Finally, how will the Dept. ensure that the public hearing is recorded and retained per the requirements that apply to all public hearings?

Teams defaults to recording the event (as well as providing CC (read ADA compliance) and translation into up to 6 languages). The Department intends to use this recording functionality and use that recording to generate a transcript.

I suggest that we schedule a test run of the Teams Live event in advance of the August 10 hearing date, with me and several others participating from different locations. That way we can ensure that, through this platform, OFI satisfies the public hearing requirements.

Thank you for volunteering to participate in the test. My concern is this, if we provide this link to the SOS tomorrow, and determine at a later point that platform will not meet legal muster, where does that leave us?

From your responses herein, it sounds as if the Teams Live platform will be sufficient. But particularly given the (apparently) strong public interest in this rulemaking, I urge OFI to conduct a test with multiple participants from different locations to ensure the functionality of the platform. Ideally this occurs before you publish notices about the public hearing, that way if changes in the plan need to occur you can revise the documents and issue a one set instead of yet another revised set of MAPA documents. Can you do that test today? I don't necessarily need to participate but am available to do so between now and 5pm.

Thanks for reviewing and responding to these issues.

As an overarching statement. The Office does not currently have a Zoom license, if we were to scramble to purchase a basic license, we would have a room that could accommodate 100 people. An upgraded room could accommodate up to 500. If we did a Teams meeting as opposed to a Teams live event, the room would accommodate 250 people. This hearing was requested by 468 people. We anticipate advocacy groups like MEJ and Preble St. with a decidedly different perspective of the rule will also want to have a significant

presence. The Teams live event platform has a room capacity of 10,000 people and provides the Department much more control not only of the typed comments functionality you mention above, but of who can be heard when.

See above. It sounds as if Teams is the way to go for this public hearing.

Halliday

Halliday Moncure  
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**From:** Downs, Michael E <[Michael.E.Downs@maine.gov](mailto:Michael.E.Downs@maine.gov)>  
**Sent:** Monday, July 13, 2020 10:51 AM  
**To:** Moncure, Halliday <[Halliday.Moncure@maine.gov](mailto:Halliday.Moncure@maine.gov)>  
**Cc:** Ray, Liz <[Liz.Ray@maine.gov](mailto:Liz.Ray@maine.gov)>; Baer, Julian <[Julian.Baer@maine.gov](mailto:Julian.Baer@maine.gov)>; Quinn, Thomas J <[Thomas.J.Quinn@maine.gov](mailto:Thomas.J.Quinn@maine.gov)>  
**Subject:** RE: ASPIRE 25P updated MAPAs for OAG review  
**Sensitivity:** Confidential

Good morning Halliday,

Thank you for your prompt response. We will consult and get back to you post haste.

Appreciatively,

Michael E. Downs  
Policy Senior Planner  
State of Maine  
Dept. Of Health and Human Services  
Office for Family Independence  
Ph (207) 624-4135  
Fx (207) 287-3455

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**From:** Moncure, Halliday <[Halliday.Moncure@maine.gov](mailto:Halliday.Moncure@maine.gov)>  
**Sent:** Monday, July 13, 2020 10:49 AM  
**To:** Downs, Michael E <[Michael.E.Downs@maine.gov](mailto:Michael.E.Downs@maine.gov)>  
**Cc:** Ray, Liz <[Liz.Ray@maine.gov](mailto:Liz.Ray@maine.gov)>; Baer, Julian <[Julian.Baer@maine.gov](mailto:Julian.Baer@maine.gov)>; Quinn, Thomas J <[Thomas.J.Quinn@maine.gov](mailto:Thomas.J.Quinn@maine.gov)>  
**Subject:** RE: ASPIRE 25P updated MAPAs for OAG review  
**Sensitivity:** Confidential

Hi Michael –

As noted below, this review is limited to the draft MAPA documents that you sent to me today, since another AAG (I assume Tom Quinn - ?) previously completed a pre-review.

**Fact Sheet** – please see my suggested edits in redline, attached.

1. Can you please confirm that this Fact Sheet contains all the substantive information that was included in the originally filed Fact Sheet (in terms of what this rulemaking does, financial impact, etc)?
2. Revise comment deadline to 5pm on 8/20/2020. Typically the comment deadline is the close of business on that date.
3. I removed reference to 5 MRS 8051-B because this is not consensus-based rulemaking. Rather, this is “typical” routine technical rulemaking where, during the comment period, 5 people have requested a public hearing per 8052(1).
4. Revise language to state that the Department extended the comment period. In other words, if the Department gets additional comments at the end of the week after it issues the revised IP notice, it will accept those comments (they do not have to be submitted on or after 7/22).

**MAPA 3** – please make changes consistent with the Amended Fact Sheet.

If these changes are made, I do not need to review the documents again. If you disagree and would like to discuss any of these suggestions, please let me know before finalizing and filing the documents.

Thank you.

Halliday

Halliday Moncure  
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**From:** Downs, Michael E <[Michael.E.Downs@maine.gov](mailto:Michael.E.Downs@maine.gov)>  
**Sent:** Monday, July 13, 2020 10:16 AM  
**To:** Moncure, Halliday <[Halliday.Moncure@maine.gov](mailto:Halliday.Moncure@maine.gov)>; Downs, Michael E <[Michael.E.Downs@maine.gov](mailto:Michael.E.Downs@maine.gov)>

**Cc:** Baer, Julian <[Julian.Baer@maine.gov](mailto:Julian.Baer@maine.gov)>; Ray, Liz <[Liz.Ray@maine.gov](mailto:Liz.Ray@maine.gov)>

**Subject:** ASPIRE 25P updated MAPAs for OAG review

**Sensitivity:** Confidential

Good morning Halliday,

Our plan is to broadcast the hearing via a Teams Live Event, and provide a call in number for people who would like to comment. Everyone on the event will be able to hear the commenter, but only the OFI presenters and the current commenter would be able to be heard.

We plan to deliver the documents to the SOS tomorrow (for publication on the 22<sup>nd</sup>), and to send the interested parties memo out later this week. The rule is already available for review on OFI's website.

As this rule has already passed pre-review, I did not want to encumber you with extraneous documents and have only included the ones with changes (Fact Sheet and MAPA 3). If there are others you would like as a reference point, please let me know.

Thank you,

Michael E. Downs  
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State of Maine  
Dept. Of Health and Human Services  
Office for Family Independence  
Ph (207) 624-4135  
Fx (207) 287-3455

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**10-144**

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**OFFICE FOR FAMILY INDEPENDENCE**

**CHAPTER 607**

**ASPIRE-TANF PROGRAM RULES**

**Effective November 6, 2001**

**Last Amended: ~~December 2017~~ XXXXX, 2020**

## Table of Contents

Section Number	Title	Pages
<b>Section 1</b>	Definitions	1-1 thru 1-6
<b>Section 2</b>	Authorization; Philosophy; Goals and Objectives; Administration	2-1 thru 2-6
<b>Section 3</b>	Participation; Participant Performance Requirements Participant Satisfactory Progress; Program Performance Requirements; Scheduling Appointments	3-1 thru 3-8
<b>Section 4</b>	Confidentiality, Participants' Rights and Responsibilities, Good Cause; Fair Hearings, Sanctions, Intentional Program; Violations, Overpayment Procedures	4-1 thru 4-10
<b>Section 5</b>	Work Evaluation	5-1 thru 5-5
<b>Section 6</b>	Case Management	6-1 thru 6-2
<b>Section 7</b>	Family Contract Amendment (FCA)	7-1 thru 7-2
<b>Section 8</b>	Pre-Training	8-1 thru 8-2
<b>Section 9</b>	Field Training	9-1 thru 9-3
<b>Section 10</b>	Education and Training	10-1 thru 10-3
<b>Section 11</b>	Work Activity Services	11-1 thru 11-3
<b>Section 12</b>	Job Search Activities	12-1 thru 12-3
<b>Section 13</b>	Employment	13-1 thru 13-8
<b>Section 14</b>	Support Services and Payment Provisions for Services	14-1 thru 14-9
<b>Section 15</b>	Reduction of ASPIRE-TANF Services when Funding is Inadequate	15-1 thru 15-2
<b>Section 16</b>	Parents as Scholars Program	16-1 thru 16-5
<b>Section 17</b>	TANF Time Limit Extensions	17-1 thru 17-9
<b>Section 18</b>	<u>Working Cars for Working Families</u>	<u>18-1 thru 18-13</u>

---

**INDEX**

<b>Subject</b>	<b>Section</b>	<b>Subsection</b>	<b>Pages</b>
<b>A.</b>			
Adult entertainment	4	IX	4-10
apprenticeship	13	II.B.	13-1
ASPIRE-Plus	13	II.A.	13-1,2,3,4
assessment	5		5-1 thru 5
auto liability insurance	14	II.D.	14-5
auto repairs	14	II.C.	14-4
<u>auto purchase program</u>	<u>18</u>		<u>18-1 thru 18-13</u>
<b>B.</b>			
books and supplies	14	II.H.	14-5
<b>C.</b>			
case management	6		6-1,2
child care	14	II.A.	14-1 thru 3
clothing and uniforms	14	II.I.	14-6
confidentiality	4	I.	4-1, 2, 3
<b>D.</b>			
definitions	1		1-1 thru 6
dental care	14	II.F.	14-5
displaced employee grievances	13	IV.	13-6 thru 8
<b>E.</b>			
education and training	10		10-1 thru 3
education, procedures	10	III.A.-J.	10-2, 3
education, training expenses	14	II.G.	14-5
education, types of	10	II.A.-D.	10-1, 2
employment	13		13-1 thru 8
extensions	17	I-VI	17-1 thru 17-9
eye care	14	II.D.	14-5

|



	<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>
<b>F.</b>	fair hearings	4	V.	4-6, 7
	family planning	8	E.2.a.	8-2
	Family Contract	2	IV.C.2.a.	2-5
		7	I.B., C.	7-1, 2
		7	II.A.-E.	7-2
		8	I.B.,C.,D.	8-1
		12	I.	12-1
		14	I.A.,B.,D.,F.	14-1 thru 14-9
	15	II.	15-1, 2	
	fee-for-service agreements	14	II.L., M., N.	14-6, 7
field training	9		9-1, 2, 3	
Fraud investigation and Recovery Unit (FIRU)	1		1-3	
<b>G.</b>	Gambling facility	4	IX	4-10
	GED preparation and training	8	C.	8-2
	good cause	4	III.	4-4, 5
<b>H.</b>	high school diploma programs	8	B.	8-2
<b>I.</b>	Intentional Program Violation (IPV)	4	IX	4-10
<b>J.</b>	job readiness activities	8	E.	8-2
	job search	3		3-2, 4
		3		3-6, 7
<b>K.</b>		12		12-1, 2, 3
<b>L.</b>	life management skills	8	E.1.	8-2
	Liquor sales	4	IX	4-10

	<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>
<b>M.</b>	MaineServe	3	IV.A.3.	3-6
			IV.B.2.	3-6
		11	I.A.-O.	11-1,2
			II.A.-C.	11-3
	Matriculation	16		16-1
<b>N.</b>	non-traditional employment	13	II.D.	13-2
			III.D.	13-6
<b>O.</b>	occupational expenses	14	II.J.	14-6
	on-the-job training (OJT/ASPIRE-Plus)	13	II.A. III.	13-1 13-2, 3,4
	orientation	2		2-5, 6
		3		3-8
		5		5-1
		7		7-2
	Overpayment Procedures	4	VIII.	4-9, 10
<b>P.</b>	parenting education	8	E.2.C.	8-2
	Parents as Scholars	16		16-1 thru 5
	participant's performance requirements:			
	Single Parent Household	3	II.A.	3-1, 2
	Two Parent Household	3	II.B.	3-3, 4
	Teen Parents	3	II.B.	3-2
	participants' rights and responsibilities	4	II.	4-3, 4
	participants' satisfactory progress	3	III.A.,B.	3-4, 5
	participation	3	I.A.	3-1
	payment of support services	14	IV.	14-8, 9
	period of enrollment	2	IV.C.3.c.	2-6
		14	I.F.	14-1
		14	II.D.	14-4
14		II.F.	14-5	
14		II.J.,K.	14-7	



<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>
pre-training program:	8		8-1, 2
administration	2	IV.	2-3 thru 5
authorization	2	I.	2-2
goals and objectives	2	III.	2-3
performance requirements - single parent family	3	IV.	3-5, 6
performance requirements - two parent family	3	IV.	3-6, 7
<b>Q.</b>			
<b>R.</b> relocation costs	14	II.K.	14-6
remedial education	8	D.	8-2
responsibilities of:			
ASPIRE-TANF staff	2	IV.C.3.	2-5
OFI eligibility staff	2	IV.C.2.	2-4, 5
return of purchased goods	14	II.M.	14-7
<b>S.</b> sanctionable acts	4	VI.	4-8, 9
scheduling procedures	3	VI.	3-7, 3-8
self-employment	13		13-2
	13		13-4, 5
service delivery areas	15		15-1, 2
service reduction	15		15-1, 2
suitable employment	13	III.E.	13-5, 6
support services	14		14-1 thru 9

<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>
<b>T.</b> Transitional Employment for Maine Parents (TEMP)	11	I., III.	11-1, 2, 3
transportation	14	II.B.	14-3, 4
two parent family	3	II.C.	3-3, 4
<b>U.</b>			
<b>V.</b>			
<b>W.</b> work activities	1 3	IV.	1-5 3-5 thru 7
work activity services	11	11-1, 2, 3	
work evaluation	2 5 13	IV.C.3.b. I.A.	2-5 5-1 thru 5 13-1
work experience	3	IV.	3-5 thru 7
work readiness activities	8	II.E.2.	8-2
<b>Working Cars for Working Families</b>		<b>18</b>	<b>18-1 thru 18-13</b>

**X.****Y.****Z.**

~~(February 6, 2017) 1-1 Policy #23A~~

~~MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES~~

## SECTION 1: DEFINITIONS AND DESCRIPTIONS

**Summary:** This section describes organizational units, programs, acronyms and significant terms pertaining to the ASPIRE-TANF program.

### DEFINITIONS

Organizational units, programs, and their acronyms, and other significant terms pertaining to ASPIRE-TANF are defined below:

**Alternative Education** --- An educational program that embraces subject matter or teaching methodology that is not generally offered to students of the same age or grade level in traditional school settings.

**ASPIRE-Plus** --- ASPIRE-Plus is an On-the-Job training program that provides an employer subsidy for up to 26 weeks, depending on the length of training time needed, of up to 50% percent of the hourly wage paid by the employer.

**ASPIRE-TANF** --- "ASPIRE-TANF" stands for-- Additional Support for People in Retraining and Employment - Temporary Assistance for Needy Families. ASPIRE is the welfare employment and training program created by the Governor and the Maine Legislature in July 1988, to provide case management, education, training, support and employment services to help TANF recipients to find or create jobs in the local labor market.

**ASPIRE-TANF Unit** --- A unit within the Department of Health and Human Services, Office for Family Independence, or an agent or contractor thereof, which provides ASPIRE-TANF services to TANF participants. These services include but are not limited to Assessment, prevocational activities, support services, Good Cause determination, case management and employment services.

**Assessment** --- An individualized process designed to integrate the array of ASPIRE-TANF services with the educational and vocational needs, interests and abilities of each participant.

**Basic Literacy Level** --- The capability to read and write at a level equivalent to an 8-9<sup>th</sup> or 9<sup>th</sup> grade level as demonstrated either by an educational achievement test; maintaining a grade point average of at least 2.0 at a post-secondary institution; or having passed the reading portion of a high school equivalency test.

**Case Management** --- The process of identifying the needs of the participant and the participant's family, coordinating services appropriate to meet those needs, and monitoring the participant's progress through ASPIRE-TANF so the participant can gain the skills and support to obtain employment.

**Child care, affordable**<sup>\*,\*</sup> --- Affordable child care arrangements are those for which the participant incurs no cost or is reimbursed by another program such as ASPIRE or through a deduction for child care from income by the TANF program or by any combination of these methods.

---

\* these definitions apply only to single parents with a child under age 6

(XXX , 2020)

1-2

Policy #25A

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**Child care, appropriate\*:** ~~---~~ Appropriate child care is affordable child care furnished by a child care provider, of the participant's choice, who has passed background checks as required by 22 M.R.S. §§ 8301-A and 8302-~~A0.A.~~

~~\* these definitions apply only to single parents with a child under age 6~~

(XXX , 2020)

1-3

Policy #25A

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~~(February 6, 2017)~~~~1-2~~~~Policy #23A~~

**Child care, reasonable distance<sup>\*,\*</sup>** ~~---~~ Reasonable distance means that the ASPIRE participant is required to commute no more than 15 additional miles between home and work activity in order to transport the child to the child care provider.

**Child care, unsuitability of informal care<sup>\*,\*</sup>**

~~---~~ Unsuitable child care is that provided by an individual who cannot pass a required background check or is unaffordable or would require the ASPIRE participant to travel an unreasonable distance.

**Component** ~~---~~ Education, training and employment activities approved by ASPIRE-TANF including: ~~---~~ pre-training; educational activities through post-secondary level; job skills training; job readiness activities; group and individual job search; on-the-job training; and community work experience.

**Department of Health and Human Services (Department or DHHS)** ~~---~~ The agency authorized by Federal statutes to administer the ASPIRE-TANF program and other programs within the Office for Family Independence.

**Education** ~~---~~ Activities including remedial-education, high school or equivalency, and post-secondary certificate programs designed to prepare the participant for employment.

**Exempt from the Time Limit** ~~---~~ ~~A TANF recipient who has a~~ ~~---~~ A month or months that do not count against ~~his or her~~ ~~---~~ participant's 60-month time limit.

**Exempt from Work Participation** ~~---~~ A TANF recipient who is not required to participate in ASPIRE-TANF in accordance with Federal or State regulations.

**Extension** ~~---~~ A one to six-month time period during which TANF benefits may be received, based on hardship, approved by the Department. ~~This~~ An extension allows a household to receive benefits past its 60-month time limit, when the recipient is complying with program rules and meets all other TANF eligibility requirements.

**Fair Hearing (also known as an Administrative Hearing)** ~~---~~ A hearing conducted before a Department of Health and Human Services hearings officer in which a participant has an opportunity to dispute a decision made by the Department. ~~The~~ The hearings officer's decision is binding on all parties involved in the particular case.

**Family Contract** ~~---~~ A form signed by a representative of the Department and each TANF caretaker relative that states the responsibilities of the parties to the agreement, including but not limited to cooperation in child support enforcement and determination of paternity, and the requirements of program participation. The contract may also include referral to parenting activities and health care services where the need for such services has been established.

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\* these definitions apply only to single parents with a child under age 6



(XXX , 2020)

1-4

Policy #25A

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OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**Family Contract Amendment --(FCA)--** The binding agreement ASPIRE participants enter into with the Department, ASPIRE Unit, pursuant to 22 M.R.S. ~~A-§~~ § 3788 (4-A). In these agreements, specific action steps are listed that both the Department and the participant agree to perform. ASPIRE support services to be provided are listed in the FCA.

~~\* these definitions apply only to single parents with a child under age 6~~

(XXX , 2020)

1-5

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

~~(February 6, 2017)~~~~1-3~~~~Policy #23A~~

**Federal Department of Health and Human Services, Administration for Children and Families, Office of Family Assistance (HHS/ACF/OFA) ---** The federal agency that administers and regulates the TANF Program and other programs of the Department of Health and Human Services, Office for Family Independence, and provides block grant funds for these programs.

**Field Training ---** A non-wage, time limited, training placement with a public, private non-profit or profit employer which enables the participant to explore a preliminary career decision, gain experience in the work world and/or improve specific job skills.

**Fraud, Investigation and Recovery Unit (FIRU) ---** the unit in the ~~department~~Department responsible for investigating allegations of misuse, fraud, and over-payments. The unit also is responsible for seeking repayment when appropriate or referring the matter to the Attorney General's office for prosecution.

**Food Supplement Employment and Training (FSET) -- The employment and training program administered under 7 C.F.R. § 273.3, 22 M.R.S. § 3104, and 10-144 C.M.R. chapter 609, that provides case management, education, training, supports and employment services to help Food Supplement recipients find and keep jobs.**

**Gainful Employment ---** Activities that a person can perform which are intended to provide an income and which are a source of consistent revenue for the worker, such as a steady job.

**Good Cause ---** Acceptable reasons, as determined by the Department of Health and Human Services, for a participant's failing or refusing to participate in ASPIRE-TANF or in a particular ASPIRE-TANF component.

**Higher Opportunity for Pathways to Employment (HOPE) -- The program administered under 22 M.R.S. § 3790-A, and 10-144 C.M.R. chapter 330, that provides support services such as child care and transportation and voluntary student navigation services to help low income students who are parents of minor children.**

**Intentional Program Violation --(IPV) ~~means that--~~ An IPV occurs when** an individual has purposely misused "cash benefits" ~~or other benefits,~~ and/or misrepresented actual circumstances in order to receive benefits, and the individual would not have been eligible had the proper information been available at the time of application, redetermination of eligibility, or within ten days of the change in circumstances. An IPV will result in a referral to the Fraud, Investigation and Recovery Unit (FIRU) for further review and recovery.

**Job Club ---** A structured and supervised job search group which assists participants in their efforts to obtain and retain employment.

**Job Development/Placement ---** Specific actions by ASPIRE-TANF or a service provider in identifying subsidized and unsubsidized jobs, marketing participants based on their career goals for those jobs and securing job interviews for participants.

(XXX , 2020)

1-6

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**Job Readiness** --- Pre-training activities focusing on life management skills, work maturity skills, work place expectations and work behavior and attitudes necessary to succeed in the labor market.

**Job Search** --- Counseling and pre-employment training on job-seeking skills either individually or in groups. The group "Job Club" is the preferred job search activity.

**Job Skills Training** --- Vocational training focusing on the required skills, knowledge and abilities of a specific occupation or business.

**MaineServe** --- A community service program designed to provide parents who are eligible for TANF opportunities to serve their communities and the State in a manner that assists them in developing and renewing their skills in ways that may lead to employment that is sufficient to sustain their families.

**Matriculation** --- For the Parents as Scholars Program, matriculation is defined as acceptance and enrollment into any two-year or four-year academic program in an institution of post-secondary education.

~~(February 6, 2017) 1 4 Policy #23A~~

**Net Loss of Cash income** --- Net loss of cash income results if the family's gross income, less necessary work-related expenses, is less than the TANF benefit and any other cash assistance the participant was receiving at the time the offer of employment is made.

**Non-Compliance** --- Failure of a mandatory ASPIRE recipient to sign or abide by the terms of the Family Contract Amendment without Good Cause, which will result in termination of benefits to the individual for the lesser of ninety (90) days or until the failure to comply ceases.

**Office for Family Independence (OFI)** --- The organizational unit with the Department of Health and Human Services which administers the ASPIRE-TANF program. OFI also administers the following services: TANF, Food Supplement Benefits (SNAP), General Assistance, MaineCare, HOPE, Support Enforcement and Recovery, and Emergency Assistance.

**On-the-Job Training (OJT)** --- A means by which a participant is hired and trained in a specific occupation by a private or public employer who receives a partial reimbursement of wages paid for providing skills and training necessary to perform the job (See ASPIRE-Plus).

**Order of Reference** --- A document in which the Department's Commissioner gives specific instructions to the Office of Administrative Hearings regarding the issues to be addressed at hearing and the handling of a hearing request. ~~This~~ These instructions may include, but ~~is~~ are not limited to, an instruction that the Hearing Office issue recommended findings and a recommended decision with the authority to make the final findings and decision reserved to the Commissioner.

**Parents as Scholars Program (PaS)** --- A student aid program based on need for up to ~~2000~~ 2,000 participants, to aid needy students who have dependent children and who are matriculating in post-secondary undergraduate 2-year and 4-year degree-granting education programs.

**Participant** --- A TANF recipient who is involved in ASPIRE-TANF activities.

(XXX , 2020)

1-7

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**Period of Enrollment ---** The time frame from the opening of activity with the ASPIRE-TANF program, until participation with ASPIRE-TANF is ended.

**Pre-Training ---** Activities designed to prepare the participant for occupational skills training, post-secondary education and employment. Such activities include secondary education programs, job readiness activities, employment counseling, field training, self-employment evaluation, and referral to services to improve life-management skills.

**Sanctions ---** Actions taken by the Department of Health and Human Services as a result of a participant's failing or refusing to participate in ASPIRE-TANF without Good Cause. These actions generally cause a reduction in TANF and Food Supplement benefits for a specified time period for participants who are not exempt, and a loss of services for a specified time for voluntary participants.

**Satisfactory Progress ---** The requirement that a participant meet standards of performance imposed by an educational or training institution and by ASPIRE-TANF while participating in an education or training activity.

**Support Services ---** Services such as child care, transportation, eye and dental care, which enable the participant to complete the Family Contract Amendment and take employment.

(XXX , 2020)

1-8

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

~~(February 6, 2017)~~ ~~1-5~~ ~~Policy #23A~~

**TANF Recipient** --- An individual whose family's financial needs are met in part with TANF payments in accordance with the Maine Public Assistance Manual.

**TANF Single Parent Family** --- A TANF family which receives benefits under the program authorized in the Federal Social Security Act, as amended by the *Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996*, and the *Deficit Reduction Act (DRA) of 2005*, whose children are deprived of parental support or care by reasons other than the underemployment of the parent who is the principal wage earner, or the incapacity of a parent.

**TANF Two Parent Family** --- A TANF family which receives benefits under the program authorized in the Federal Social Security Act, as amended by the *Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996*, and the *Deficit Reduction Act (DRA) of 2005*, whose children are deprived of parental support or care either by reason of the underemployment of the parent who is the principal wage earner, or by reason of incapacity of a parent.

**Time Limit** --- The limit of 60 months during which a family may receive TANF assistance in the absence of the family qualifying for a time limit exemption or extension.

**Training and Work Site Agreement** --- An agreement which is included as part of the Family Contract Amendment and which stipulates specific performance requirements for a participant enrolled in education, training and/or work experience.

**Transitional Employment for Maine Parents (TEMP)** --- a volunteer work experience position.

**UP** --- Unemployed Parent refers to the cases where TANF eligibility is based on the unemployment or under-employment of one of the parents in the household.

**Up-front Job Search** --- Newly-granted TANF recipients who are considered job-ready, and who are eligible for TANF based on unemployment of the primary wage earner or single parent recipients whose children are 5 years of age or older, may participate in individual or group job search activities during the work evaluation phase of involvement with ASPIRE-TANF.

**Voluntary Participant** --- A TANF recipient who is not required to participate, by Federal or State regulations but chooses to enroll in ASPIRE-TANF.

**Work Activities** --- Work activities are those activities that are allowable under PRWORA (Sec. 407, (d)), and are listed in this manual in Section 3 (IV)(A)(3) and (IV)(B)(2).

**Work Eligible Individual (WEI)** --- An adult, or a minor child, who is a head of household, receiving assistance under TANF or a separate State program, who is not otherwise exempted from meeting a work requirement.

**Work Evaluation** --- Consists of all activities related to Assessment, employability plan development and initial amendment to the Family Contract Amendment. Work evaluation is limited to a maximum of 90 days, unless extended by the Commissioner (or the designee of the Commissioner).

(XXX , 2020)

1-9

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**Work Experience** --- This is a generic term used to describe a variety of experiential activities (such as TEMP, On-the-Job Training, Community Service, etc.) that lead to, or include, employment.

~~(February 6, 2017) --- 1-6 --- Policy #23A~~

**Work Readiness Activities** --- These activities include job shadowing, job coaching, mentoring, situational assessment, and any other activity that will encourage obtaining or retaining employment.

**Working Cars for Working Families** -- Transportation assistance program which assists participants in obtaining and maintaining sustainable employment by providing them with access to reliable, affordable transportation. This program is designed to be an employment support and to comply with applicable federal TANF regulations.

**END OF SECTION**

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 18: WORKING CARS FOR WORKING FAMILIES**

**SUMMARY:** This section describes the Working Cars for Working Families Program (referred to in this Section as “the Program”), which is created to provide transportation for low-income individuals to obtain and retain employment. This Section establishes the Program, sets out eligibility and ongoing participation criteria, and describes the application and decision-making processes.

**I. AUTHORIZATION**

The Department is authorized to operate the Working Cars for Working Families Program by 22 M.R.S. § 3769-F.

**II. PHILOSOPHY**

The purpose of the Program is to assist participants in obtaining and maintaining sustainable employment by providing them with access to reliable, affordable transportation. The Program is designed to be an employment support and to comply with applicable federal TANF regulations.

**III. ADMINISTRATION**

A. General -- Subject to the availability of funds, the Department shall administer the Working Cars for Working Families Program in accordance with this Section. The Program shall endeavor to provide long-term transportation solutions to eligible program participants, and the Department may exercise its discretion in determining the most effective and efficient way to achieve that goal with the limited resources and time period provided under statute. In such exercise of its discretion, the Department may determine that the Program will include different transportation options. Such options may include, without limitation—furnishing purchased or donated vehicles to participants; coordinating public or private transportation; facilitating car shares among participants; ride or shuttle service; or providing driver instruction or education. These rules include some provisions that expressly apply only to certain such options, but nothing in these rules or in those specific provisions shall be construed to require the Department to provide such options.

B. Definitions –

1. For purposes of this Program, “sustainable employment” is employment that leads or is expected to lead to a family ending its financial need for cash assistance, including TANF, PaS, and Alternative Aid. “Employment” within the meaning of this Section does not include self-employment or any form of employment that involves a subsidy to the employer.

2. For purposes of this Program, “earned income” is as defined in 10-144 C.M.R. Ch. 331 Introduction and Definitions and limited by Subsection III (B) of this Section.

C. Funding Contingencies -- Pursuant to authorizing statute, funding for the Working Cars for Working Families Program is limited to \$6,000,000 allocated from the federal TANF block grant accrued prior to state fiscal year 2017-2018. If the Department finds that its continued

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

administration of the Program will or is reasonably likely to exhaust that funding before June 30, 2022, it will follow the procedures in this subsection to minimize the impact on program participants.

1. If funding allows, the Department shall stop accepting or processing new applications or Transportation Program Agreements (see Subsection VII), and shall continue to honor all current, signed Agreements to their completion date.
2. If funding is not sufficient to maintain current programming as described in subparagraph 1, the Department shall reduce specific transportation services and/or the frequencies with which such services are provided, giving as much advance notice to affected program participants as is reasonably practicable. The Department shall effectuate reductions and eliminations under this subsection on a generalized and categorical basis, and shall not make case-by-case elimination or reduction decisions.
3. If funding is not sufficient to maintain current programming as provided in subparagraph 1 or to equitably reduce or eliminate programming as provided in subparagraph 2, the Department shall terminate all Transportation Program Agreements and end all services, providing as much advance notice to program participants as is reasonably practicable.
4. The Department will notify program participants of reductions or program termination no less than fourteen (14) calendar days in advance of the reduction or termination of service.
5. Categorically applicable denials, reductions, and service terminations based on funding limitations are not subject to administrative appeal.

**IV. ELIGIBILITY DETERMINATION PROCESS**

A. General -- The Department shall determine program eligibility and enrollment as follows:

1. The Department shall determine whether an application meets the financial and nonfinancial program eligibility criteria set out in Subsection V;
2. If the Department finds that an application meets the eligibility criteria, it will notify the applicant, and schedule and conduct an in-person assessment with the applicant, in accordance with Subsection VI; and
3. If the Department finds that Program participation is appropriate for the applicant, it will determine whether there are available Program resources that would remediate the applicant's transportation barriers.

B. Application -- To facilitate the process described in Subsection IV (A), the Department shall develop a uniform application for the Program, which will allow the Department to evaluate an applicant's eligibility under Subsection V. The application will also include a list of



**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

transportation services that may be available, from which the applicant may indicate the specific service(s) sought. Applicants may submit completed applications at any of the Department's regional offices or at statewide offices where ASPIRE services are provided.

- C. Enrollment -- The Department shall determine whether an applicant may receive transportation services under this Section—and if so, what specific services to provide—based on the following:
1. The Department's review of the applicant's eligibility under the Basic Eligibility Criteria in Subsection V, including the applicant's timely production of any necessary or requested verifications that confirm such eligibility;
  2. The applicant's timely compliance with requests for verification and attendance at the scheduled assessment;
  3. The Department's review of the applicant's transportation needs, employment situation, and suitability for the Program, in accordance with Subsections V and VI; and
  4. The availability of Program resources, and non-program alternatives, that will reasonably address the applicant's transportation needs.

If in its evaluation of factors 1-4, the Department determines that participation in the Program is appropriate, it will notify the applicant in accordance with Subsection IV (D). Program enrollment and service delivery shall not occur until the qualified applicant has executed a Transportation Program Agreement under Subsection VII (A).

- D. Decision -- The Department will issue a written determination of eligibility at the conclusion of its evaluation. If the applicant is not deemed eligible and qualified for the program pursuant to Subsections V or VI, or if the Department determines that the applicant will receive a transportation service that is not the applicant's first preference, then the notice will identify the reason(s) for the denial or for the particular service selection. The decision will be provided to the applicant within thirty (30) calendar days of the date the Department receives the completed written application, provided the applicant has replied to requests for verifications in a timely manner and attended the scheduled assessment. The notice of decision will include information on appeal rights when applicable.
- E. Waitlist -- If the transportation service that an eligible individual requires is not immediately available, the Department will maintain a waitlist that will include the individual's contact information, affirmative eligibility determination, and service request. When the service becomes available, the applicant will be contacted by their preferred method of contact that the individual stated during their Assessment (e.g.i.e., telephone, text, email, written postal mail). If the individual does not respond to that preferred method of contact within two (2) business days, they will be mailed a written notice, which, if more than sixty (60) days after the applicant's first assessment, will include the date and time of a new Assessment appointment. If the waitlisted participant fails to contact the Program within ten (10)

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

business days of the date the notice was issued by the Department, the individual will be closed from the Program and removed from all Program waitlists.

**V. BASIC ELIGIBILITY CRITERIA**

A. Financial Eligibility -- Applicants must meet one of the following financial eligibility requirements to receive transportation services as part of the Program:

1. As of the date of application, the applicant must be an included member of an open case in Maine for, and be receiving, TANF or TANF-PaS; or
2. The applicant's filing unit (within the meaning of the Maine Public Assistance Manual, Chapter II) must have gross income at or below the gross income standard applicable to Alternative Aid applicants, pursuant to the Maine Public Assistance Manual, Chapter IX.

B. Transportation Need -- To be eligible for the Program, applicants must demonstrate that adequate reliable transportation is their primary barrier to obtaining or retaining sustainable employment. In assessing this need, the Department may require an applicant to make a written statement as part of the application, explaining the applicant's transportation limitations and how they impact job prospects. Determining whether an applicant meets this eligibility criterion will require the Department to consider the facts and circumstances of each individual applicant. At a minimum, the applicant shall provide details concerning, and the Department shall consider, the following:

1. Employment Circumstances -- The applicant must have a reasonable likelihood of obtaining or retaining sustainable employment by participating in the Program. An applicant may meet this requirement by showing the following, or making a similar showing:
  - a. The applicant is actively working thirty (30) or more hours per week, resulting in weekly earned income equal to or in excess of the State of Maine's minimum wage;
  - b. The applicant has a job offer, or offers, that would combine for thirty (30) hours average weekly employment, resulting in earned income equal to or in excess of the State of Maine's minimum wage;
  - c. The applicant has at least one pending job application for a position the applicant is qualified for and prepared to accept, within an hour commute of the applicant's residence;
  - d. Within the last thirty (30) days there have been, or there currently are, at least three posted positions, for which the applicant is qualified and that they would have applied to but for transportation limitations, within an hour commute of the applicant's residence; or

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- e. Within thirty (30) days of Program application the applicant will receive a credential, certification, degree or other similar qualification that will enable the applicant to apply for and accept employment within a field that has had in the last thirty (30) days at least three posted positions within an hour commute of the applicant's residence for which the applicant will be qualified upon receipt of the new credential.
2. Transportation Limitations. An applicant will be eligible for the Program only if they do not have access to sufficient transportation to maintain or obtain sustainable employment. An applicant is not eligible for the Program, if—
- a. They own a vehicle in reliable running condition. The Department will verify an applicant's lack of ownership by searching for active registration with the State of Maine, Bureau of Motor Vehicles (BMV) and with the BMV or any like agency of any other state where the applicant lived within twelve (12) months of applying. If the applicant contends that their vehicle is not in reliable running condition, the Department will require a written statement from a State of Maine licensed vehicle inspection station;
- b. Another adult living with the applicant owns a vehicle in reliable running condition and does not use the vehicle for work or child care that conflicts with the applicant's actual or anticipated employment schedule. The Department will verify such lack of ownership by searching for active registration with the State of Maine, Bureau of Motor Vehicles. If the applicant contends that the household vehicle is not in reliable running condition, the Department will require a written statement from a State of Maine licensed vehicle inspection station;
- c. Available public transportation can reliably and consistently accommodate the applicant's actual or anticipated schedule of employment hours and child-care-provider-required pick up and drop off times, with an average commute time of no longer than one (1) hour each way; or
- d. They have consistent access to any other form of reliable transportation that does not limit the applicant's ability to accept new employment, increase hours, change their work schedule, or meet child care needs.

C. Additional Nonfinancial Requirements—

1. No applicant is eligible to participate in the Program if at the time of application or subsequent to the application—
- a. The applicant or another member of the applicant's TANF filing unit has received three (3) or more Department sanctions including from, without

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

limitation—ASPIRE, Division of Support Enforcement and Recovery (DSER), and Quality Control (QC) in the last twenty-four (24) calendar months; or

b. The applicant or another member of the applicant's TANF filing unit has had an Intentional Program Violation (IPV) for any needs-based benefit program in Maine, or any other state within the United States.

2. Applicants who are mandatory ASPIRE Program participants must meet the following conditions:

a. Be in compliance with the terms of their Family Contract Amendment;

b. Not have a current sanction for failing to comply with the ASPIRE Program;

c. Not be exempt from ASPIRE work participation requirements. This limitation includes federally allowed exemptions of caring for a disabled family member, or caring for a child under the age of one (1); and

d. One of the following:

i. Have been successfully meeting the ASPIRE work participation requirements without need for good cause for each of the previous three months, or since beginning participation with ASPIRE, whichever is shorter; or

ii. Have had employment of an average of thirty (30) hours per week resulting in weekly earned income equal to or in excess of the State of Maine's minimum wage for each of the previous three months, or since beginning participation with ASPIRE, whichever is shorter; or

iii. During the relevant period, have attended full time (as defined by the institution) college courses that resulted in an Associate's or Bachelor's Degree, or attended a training or education course(s) for an average of thirty (30) hours per week that resulted in a work credential.

3. Individuals who are not mandatory ASPIRE Program participants must meet the following conditions:

a. Qualify as a member of a TANF filing unit, in which a qualifying specified relative is maintaining a home for a child under the age of eighteen (18), or who is eighteen (18) and attending school full time. The provisions of the Maine Public Assistance Manual, Chapter II, apply to determine whether an applicant meets the qualifications under this subsection;

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

b. Be actively working thirty (30) or more hours per week, resulting in weekly earned income equal to or in excess of the State of Maine's minimum wage before receiving any transportation service under the Program; and

c. Attend a Program orientation and comply with all requirements associated therewith before receiving any transportation service under the Program.

D. Additional Eligibility Criteria for Vehicle Access—Applicants requesting to receive access to a vehicle through the Program must meet additional eligibility requirements to receive the service. Applicants otherwise meeting the eligibility criteria in this section may receive other transportation services available through the Program until satisfying the following criteria:

1. Have a current valid driver's license in any state in the United States;
2. Be at least twenty-one (21) years of age;
3. Demonstrate the ability to responsibly own and maintain a vehicle. This demonstration includes completion of each of the following courses prior to vehicle delivery, if the Department provides them:
  - a. Driver safety course (Maine Driving Dynamics);
  - b. Vehicle ownership orientation; and
  - c. Vehicle ownership course including financial preparation.
4. Not have been convicted of any of the following offenses, as determined by self-attestation and a background check:
  - a. Operating Under the Influence (OUI), Driving Under the Influence (DUI) or Driving While Intoxicated (DWI) in the past ten (10) years;
  - b. More than two (2) moving violations or at-fault accidents in the past five (5) years;
  - c. Any moving violation in the six (6) months immediately preceding Program enrollment; or
  - d. Any crimes of violence leading to bodily injury of another.
5. Make a down payment to the Department in the amount equivalent to three (3) monthly premium payments, as provided in Subsection VII (C)(2). This payment may be made in no more than three (3) installments, over no more than three (3)

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

months, and may not be waived. Participants may not receive ASPIRE, FSET, or HOPE support services to cover the down payment.

E. Verifications -- Except where otherwise specified, above, and unless the Department can obtain verification through its own records or the records of its agents, the Department shall require written or third-party verification of any factor impacting Program eligibility. Failure to respond to requested verifications within ten (10) business days may result in a denial.

## VI. ASSESSMENT

A. General -- As part of the determination of Program eligibility, the Department will conduct an assessment of the applicant to evaluate the applicant's qualifications, particularly with regard to their transportation need, as set out in Subsection V(B). Provided that all eligibility criteria are satisfied, the assessment will also evaluate available transportation service options to determine the option best suited to an applicant's particular situation. The Department may determine, as a result of the assessment, that the applicant may receive program services that are different from the applicant's initial request.

B. Format and Scheduling -- The assessment will be scheduled verbally or by a written scheduling notice and shall be conducted in person between the applicant and the Department. Failure to attend a scheduled assessment without providing twenty-four (24) hours of advance notice and rescheduling at a mutually agreed time no more than one week after the original date may result in a denial. The Department may, but is not required to, verbally notify the applicant at the time of the assessment that they are eligible for the Program and suitable for an available option. If such a determination is appropriate, the Department and the applicant shall execute a Transportation Program Agreement at that time, and the Department may begin providing Program services immediately, as appropriate. If the Department makes such a determination at the time of the assessment, and the applicant executes a Transportation Program Agreement, the applicant may, at their sole option, elect not to receive a separate written decision about Program eligibility under Subsection IV (D).

C. The Department shall discuss the following with the applicant during the Assessment:

1. Any information in or missing from the application that is relevant to eligibility criteria set out in Subsection V;
2. Any information in or missing from requested verifications;
3. The applicant's current employment status, including details concerning earnings and scheduled work hours;
4. The applicant's employment history from the past twenty-four (24) months, to include self-employment and subsidized employment;
5. Transportation resources currently available to the applicant;
6. The applicant's method of transportation used in the past twelve (12) months;

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

7. The applicant's current or anticipated travel route to child care and employment;
8. Details of any vehicles owned or registered to the individual to include, but not limited to, outstanding loans, year, make, model, mileage, condition, current status of title, registration, inspection, liens, and insurance;
9. Driving background to include a review of a background check which shall include searches of the State Bureau of Investigation (SBI) and Maine's Bureau of Motor Vehicles (BMV) records;
10. Any other matter that impacts the applicant's Program eligibility or suitability for a service or set of services; and
11. Information on the applicant's preferred method of contact.

**VII. PARTICIPATION AND CONTINUED ELIGIBILITY REQUIREMENTS**

- A. Program Agreement -- Prior to receiving any services under the Program, and before any changes to services can take effect for ongoing cases, participants must execute with the Department a Transportation Program Agreement (Agreement).
  1. Form and Duration -- The Agreement must be reviewed and renewed no less often than once every six (6) months, or whenever there is a material change in a participant's employment or transportation circumstances.
  2. Effect -- The participant shall comply with the terms of their Agreement, and failure to do so may result in termination of enrollment, per Subsection VIII, a Program overpayment, per the Maine Public Assistance Manual, Chapter VI, and/or an Intentional Program Violation (IPV), per the Maine Public Assistance Manual, Chapter VI.
  3. Content -- Each Agreement shall be tailored to the facts and circumstances of the Program participant. In addition, all Agreements must include the following:
    - a. An attestation by the participant that they do not have sufficient access to reliable transportation to allow the them to retain or obtain sustainable employment;
    - b. A commitment that the participant will report to the Department immediately if they determine that they cannot meet the requirements of the program;
    - c. A commitment that, once enrolled in the program, the participant will not voluntarily reduce hours of employment below the average of thirty (30) hours per week;

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- d. A commitment that the participant will report changes of employment circumstances (including without limitation -- employer, hours, schedule, and earnings), the availability of alternative transportation options, and contact information to the Department within ten (10) days of their becoming aware of the change;
  - e. A commitment that the participant will attend in-person meetings with the Program as scheduled, and no less often than once a month during the first six (6) months of program participation; and
  - f. A commitment that the participant will not engage in disruptive conduct during any program-coordinated transportation service.
4. Content Specific to Vehicle Access Services -- Prior to receiving such service under the Program, participants eligible for and seeking to gain access to a vehicle under the Program must execute an Agreement that, in addition to the provisions specified in Subsection VII (A)(3), includes—
- a. A commitment to use the vehicle primarily for purposes of commuting to and from work;
  - b. A commitment not to sell or trade the vehicle during Program participation, without prior authorization in writing from the Director of the Office for Family Independence or their designee;
  - c. A commitment not to allow other members of the household to drive the vehicle;
  - d. A commitment not to use the vehicle for income producing transportation services or for transportation services which result in mileage reimbursement for transporting others;
  - e. A commitment to operating the vehicle in compliance with all applicable traffic and parking laws;
  - f. A commitment not to operate the vehicle under the influence of alcohol, illegal drugs, or prescription drugs that impair a person's ability to operate motor vehicles;
  - g. A commitment not to consume alcohol, illegal drugs, or prescription drugs that impair a person's ability to operate motor vehicles while in the vehicle, whether or not the vehicle is running;
  - h. A commitment to report any accidents, thefts, or similar types of incidents involving the vehicle to law enforcement immediately;



**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- i. A commitment to protect the vehicle from theft and vandalism by locking the vehicle and parking in well-lit areas, to the extent possible;
  - j. A commitment to conduct routine maintenance on the vehicle as necessary, including but not limited to, regular cleaning of the interior and exterior of the vehicle, oil changes, and maintaining fluid levels;
  - k. A commitment not to operate the vehicle when it is in an unsafe condition or in need of repairs, to report such a condition to the Department immediately, and to cooperate with the Department in arranging for necessary repairs;
  - l. A commitment not to use the vehicle for any illegal activities;
  - m. A commitment to make monthly premium payments timely and in-full, as described in Subsection VII (C);
  - n. Subject to Subsection VII (C)(1), a commitment to timely cooperate with and assist the Department in—
    - i. maintaining active, current registration for the vehicle,
    - ii. maintaining active, current insurance on the vehicle,
    - iii. ensuring the vehicle timely passes state inspection, and
    - iv. ensuring all applicable taxes on the vehicle are paid; and
  - o. A commitment to immediately return the vehicle to the Department upon demand, for failure to comply with the terms of the Agreement or the rules of the Program, including transferring title to the Department where applicable.
- B. Annual Review -- No less often than once every twelve (12) months following initial Program Enrollment, a participant will attest to the Department and confirm with verifications as requested by the Department that --
- 1. Without regard to how the participant initially gained financial eligibility into the Program, the gross income of the participant's filing unit (within the meaning of the Maine Public Assistance Manual, Chapter II) is less than or equal to 250 percent of the federal poverty level;
  - 2. Transportation would be a primary obstacle to retaining sustainable employment if the participant withdrew from the Program; and
  - 3. The participant continues to meet all applicable nonfinancial eligibility requirements set out in Subsection V (C) and (D).

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

C. Additional Vehicle Access Provisions --

1. To the extent reasonably practicable, the Department shall transfer title to all vehicles provided to program participants within thirty (30) calendar days of vehicle distribution. Prior to transferring title, in addition to determining that the participant has met all relevant eligibility criteria, the Department must—
  - a. Determine that, without assistance from the Department, the participant is financially able to pay all expenses associated with owning the vehicle including, without limitation, expenses associated with the provisions of Subsection VII (C)(1)(b), below; and
  - b. Require the participant, as an additional provision of the Agreement, to—
    - i. maintain active, current registration for the vehicle,
    - ii. maintain active, current insurance on the vehicle,
    - iii. ensure that the vehicle timely passes state inspection, and
    - iv. ensure that all applicable taxes on the vehicle are paid.
2. Monthly Premiums -- Notwithstanding title to the vehicle, participants must pay to the Department a premium of \$100 by the 15<sup>th</sup> day of each calendar month in order to maintain access to such vehicle under the Program.
  - a. If a participant's filing unit (within the meaning of the Maine Public Assistance Manual, Chapter II) has income greater than 200 percent of the federal poverty level, the participant's monthly premium will be \$150.
  - b. A participant's first failure to make a timely monthly premium payment will result in an overpayment in the amount of the premium due and an official warning issued by letter. A second failure to make a timely premium payment will result in an overpayment and an obligation to return the vehicle to the Department, per the Agreement.
  - c. Temporary Waiver -- For no more than one month at a time, the Department may waive the monthly premium and any penalty for failure to make a payment thereof, upon a participant's written or oral request and verification prior to the payment due date that—
    - i. the filing unit's income has fallen below 100 percent of the federal poverty level; or

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
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ii. the participant is experiencing a crisis or extreme hardship, as determined by the Director of the Office for Family Independence or their designee.

Without regard to this Subsection, if a participant cannot pay the premium for more than two (2) months in a row or three (3) months in a twelve (12) month period, the Department will conduct a new assessment and reassign the participant to a more suitable transportation option, if one is available.

d. Participants may not receive ASPIRE, FSET, or HOPE support services to cover the premium.

3. Program Graduation -- After a participant has made a total of twenty-four (24) monthly premium payments, in addition to the down payment, participation in the program and obligations under the Agreement will end, and the participant will retain ownership of the vehicle without continuing premium payment obligations. The Department shall notify participants in writing at the time of such graduation.

4. The Department shall pursue an intentional program violation (IPV) when a participant has knowingly failed to return the vehicle upon the Department's demand or has sold or traded the vehicle during Program participation without prior authorization in writing from the Director of the Office for Family Independence or their designee. The dollar amount of any overpayment associated with such an IPV will be the value of the vehicle at the time of the initial transfer of ownership from the Department to the participant. Such amount may not be reduced to account for depreciation, premium payments made, or any other costs incurred and paid by the participant in the course of owning the vehicle.

**VIII. TERMINATION AND APPEAL**

A. Early Termination of Services -- Program services to a participant shall be terminated when one of the following occurs:

1. The participant no longer meets all applicable program eligibility requirements set out in Subsection V; or
2. The participant fails to comply with a provision in their Agreement.

A participant shall not be terminated from the program due to failure to comply with their Agreement if the noncompliance concerns employment, and the participant demonstrates either --

- a. That the participant was terminated or had hours reduced through no fault of the participant; or
- b. The noncompliance was due to a medical condition or illness of the participant or a dependent who requires full time care. This

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
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ASPIRE-TANF PROGRAM RULES**

noncompliance must last no more than two (2) calendar weeks. The medical condition or illness must be verified by a medical provider approved by the Department.

B. Appeal Rights -- A participant who disputes an application decision or a program decision, including a decision on a selection, reduction, or termination of transportation services; a denial of a monthly premium temporary waiver; or an overpayment; has the right to an administrative hearing, provided the request for the hearing is made timely. Department staff will complete the hearing request on behalf of the participant and file it with the Administrative Hearings Unit. See 10-144 C.M.R. Ch. 331, Maine Public Assistance Manual (TANF) Chapter VI, for additional information on Fair Hearings and Administrative Hearings and Intentional Program Violations.

1. The request for an administrative hearing must be made within thirty (30) calendar days of the issuance of the notice of action which is disputed. If the disputed decision involves the suspension or termination of transportation services which have previously been provided, and the participant requests an administrative hearing within ten (10) days of the notice, transportation services will continue pending the outcome of the administrative hearing. In no event, however, will the participant have access to continued Program services pending appeal if the participant violated a term of the Agreement specific to vehicle access.
2. The hearing will be conducted in accordance with the rights and procedures set forth in 10-144 C.M.R. Ch. 1 *et seq.*

**END OF SECTION**

## Kreckel, Brendan D

---

**From:** Moncure, Halliday  
**Sent:** Tuesday, November 3, 2020 9:03 AM  
**To:** Downs, Michael E; Kreckel, Brendan D  
**Cc:** Ray, Liz; Baer, Julian; Sturtevant, Timothy; Johnson, Kimberly  
**Subject:** RE: ASPIRE Rule 25A for OAG Review (Adopted Stage)

**Sensitivity:** Confidential

Hi Michael –

Thanks for your prompt response, and for all the efforts on this rulemaking. We will certainly not delay our review of the substance.

Halliday Moncure  
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Office of the Attorney General  
6 State House Station  
Augusta ME 04333-0006  
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Fax: 207 287 3145  
[Halliday.Moncure@maine.gov](mailto:Halliday.Moncure@maine.gov)  
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Office for Family Independence  
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In the meantime, we will begin our review of this final rulemaking. Let us know about questions. Thank you.

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Also – was there a pre-review done on the proposed rule? If so, please forward the pre-review memos.

Thanks.

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**Cc:** Ray, Liz <[Liz.Ray@maine.gov](mailto:Liz.Ray@maine.gov)>; Baer, Julian <[Julian.Baer@maine.gov](mailto:Julian.Baer@maine.gov)>; Sturtevant, Timothy <[Timothy.Sturtevant@maine.gov](mailto:Timothy.Sturtevant@maine.gov)>; Johnson, Kimberly <[Kimberly.Johnson@maine.gov](mailto:Kimberly.Johnson@maine.gov)>

**Subject:** RE: ASPIRE Rule 25A for OAG Review (Adopted Stage)

**Sensitivity:** Confidential

Good morning –

Thanks for sending this rulemaking for a final review.

Preliminarily - what was the comment deadline? The Fact Sheet states that it was July 5, but the draft Summary of Comments document and the MAPA 3 I found with the proposed rule online state that the deadline was August 20. Why are different dates?

Can you please send the comments, etc. via a shared folder on One Drive? That way they will be easier for us to access and not have to save down the numerous files separately from Teams. Kim Johnson can help if you have questions about using the cloud.

We'll do our best to turn this around as quickly as possible, but it may take a bit longer than the preferred timeline, below, given the amount of comments. We appreciate your understanding in that regard.

Halliday

Halliday Moncure  
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**From:** Downs, Michael E <[Michael.E.Downs@maine.gov](mailto:Michael.E.Downs@maine.gov)>

**Sent:** Monday, November 2, 2020 9:00 PM

**To:** Kreckel, Brendan D <[Brendan.D.Kreckel@maine.gov](mailto:Brendan.D.Kreckel@maine.gov)>; Moncure, Halliday <[Halliday.Moncure@maine.gov](mailto:Halliday.Moncure@maine.gov)>

**Cc:** Ray, Liz <[Liz.Ray@maine.gov](mailto:Liz.Ray@maine.gov)>; Baer, Julian <[Julian.Baer@maine.gov](mailto:Julian.Baer@maine.gov)>; Sturtevant, Timothy <[Timothy.Sturtevant@maine.gov](mailto:Timothy.Sturtevant@maine.gov)>

**Subject:** ASPIRE Rule 25A for OAG Review (Adopted Stage)

**Sensitivity:** Confidential

Good evening Brendan and Halliday,

We have another rule for review. This rule is the top priority with OFI.

For your reference, I have attached the following documents:

- 1) MAPA 3 ASPIRE25 No Fin (This document will go no further in the process, but it is our understanding your office likes to have it as a reference point.)
- 2) Fact Sheet ASPIRE25 v6 (This document will go no further in the process, but it is our understanding your office likes to have it as a reference point.)



I will provide the comments, hearing transcript, and a spread sheet that helps to cross-reference them via Teams Chat as the sheer volume will exceed the attachments limits in Outlook.

For your review, I have attached the following documents:

- 1) APA checklist ASPIRE25A v2
- 2) Basis Statement ASPIRE25A v3
- 3) MAPA 1 ASPIRE25A v3
- 4) MAPA 4 ASPIRE25A v3
- 5) Summary and Responses to Comments ASPIRE25 v8
- 6) Rule Pages ASPIRE 25A (Clean) v5
- 7) Rule Pages ASPIRE 25A (TC All) v5
- 8) Rule Pages ASPIRE 25A (TC since proposed) v5 (This copy will go to the commissioner's office, but not to the secretary of state).

The Commissioner deadline to adopt the rule is December 18, 2020. We estimate that the Commissioner will need 2 weeks to review and adopt the rule. We would like to have your initial review of the rule no later than Thanksgiving to allow enough time for changes you may propose and review of same. We apologize for the short time frame. It has taken us quite a while to respond to the 302 comments.

Please let me know if you need additional information or documents for your review, thank you.

Sincerely,

Michael E. Downs  
Policy Senior Planner  
State of Maine  
Dept. Of Health and Human Services  
Office for Family Independence  
Ph (207) 624-4135  
Fx (207) 287-3455

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## Kreckel, Brendan D

---

**From:** Downs, Michael E  
**Sent:** Tuesday, November 3, 2020 3:47 PM  
**To:** Moncure, Halliday; Kreckel, Brendan D  
**Cc:** Ray, Liz; Baer, Julian; Sturtevant, Timothy; Johnson, Kimberly  
**Subject:** RE: ASPIRE Rule 25A for OAG Review (Adopted Stage)  
**Attachments:** Summary of Comments ASPIRE25 v9.docx  
  
**Sensitivity:** Confidential

Good afternoon Halliday,

Attached, please find the reformatted SOC.

At your service,

Michael E. Downs  
Policy Senior Planner  
State of Maine  
Dept. Of Health and Human Services  
Office for Family Independence  
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Also – was there a pre-review done on the proposed rule? If so, please forward the pre-review memos.

Thanks.

Halliday Moncure  
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Office of the Attorney General  
6 State House Station  
Augusta ME 04333-0006  
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**From:** Moncure, Halliday  
**Sent:** Tuesday, November 3, 2020 7:39 AM  
**To:** Downs, Michael E <[Michael.E.Downs@maine.gov](mailto:Michael.E.Downs@maine.gov)>; Kreckel, Brendan D <[Brendan.D.Kreckel@maine.gov](mailto:Brendan.D.Kreckel@maine.gov)>  
**Cc:** Ray, Liz <[Liz.Ray@maine.gov](mailto:Liz.Ray@maine.gov)>; Baer, Julian <[Julian.Baer@maine.gov](mailto:Julian.Baer@maine.gov)>; Sturtevant, Timothy <[Timothy.Sturtevant@maine.gov](mailto:Timothy.Sturtevant@maine.gov)>; Johnson, Kimberly <[Kimberly.Johnson@maine.gov](mailto:Kimberly.Johnson@maine.gov)>  
**Subject:** RE: ASPIRE Rule 25A for OAG Review (Adopted Stage)  
**Sensitivity:** Confidential

Good morning –

Thanks for sending this rulemaking for a final review.

Preliminarily - what was the comment deadline? The Fact Sheet states that it was July 5, but the draft Summary of Comments document and the MAPA 3 I found with the proposed rule online state that the deadline was August 20. Why are different dates?

Can you please send the comments, etc. via a shared folder on One Drive? That way they will be easier for us to access and not have to save down the numerous files separately from Teams. Kim Johnson can help if you have questions about using the cloud.

We'll do our best to turn this around as quickly as possible, but it may take a bit longer than the preferred timeline, below, given the amount of comments. We appreciate your understanding in that regard.

Halliday

Halliday Moncure  
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**From:** Downs, Michael E <[Michael.E.Downs@maine.gov](mailto:Michael.E.Downs@maine.gov)>  
**Sent:** Monday, November 2, 2020 9:00 PM  
**To:** Kreckel, Brendan D <[Brendan.D.Kreckel@maine.gov](mailto:Brendan.D.Kreckel@maine.gov)>; Moncure, Halliday <[Halliday.Moncure@maine.gov](mailto:Halliday.Moncure@maine.gov)>  
**Cc:** Ray, Liz <[Liz.Ray@maine.gov](mailto:Liz.Ray@maine.gov)>; Baer, Julian <[Julian.Baer@maine.gov](mailto:Julian.Baer@maine.gov)>; Sturtevant, Timothy <[Timothy.Sturtevant@maine.gov](mailto:Timothy.Sturtevant@maine.gov)>  
**Subject:** ASPIRE Rule 25A for OAG Review (Adopted Stage)  
**Sensitivity:** Confidential

Good evening Brendan and Halliday,

We have another rule for review. This rule is the top priority with OFI.

For your reference, I have attached the following documents:

- 1) MAPA 3 ASPIRE25 No Fin (This document will go no further in the process, but it is our understanding your office likes to have it as a reference point.)
- 2) Fact Sheet ASPIRE25 v6 (This document will go no further in the process, but it is our understanding your office likes to have it as a reference point.)

I will provide the comments, hearing transcript, and a spread sheet that helps to cross-reference them via Teams Chat as the sheer volume will exceed the attachments limits in Outlook.

For your review, I have attached the following documents:

- 1) APA checklist ASPIRE25A v2
- 2) Basis Statement ASPIRE25A v3
- 3) MAPA 1 ASPIRE25A v3
- 4) MAPA 4 ASPIRE25A v3
- 5) Summary and Responses to Comments ASPIRE25 v8
- 6) Rule Pages ASPIRE 25A (Clean) v5
- 7) Rule Pages ASPIRE 25A (TC All) v5
- 8) Rule Pages ASPIRE 25A (TC since proposed) v5 (This copy will go to the commissioner's office, but not to the secretary of state).

The Commissioner deadline to adopt the rule is December 18, 2020. We estimate that the Commissioner will need 2 weeks to review and adopt the rule. We would like to have your initial review of the rule no later than Thanksgiving to allow enough time for changes you may propose and review of same. We apologize for the short time frame. It has taken us quite a while to respond to the 302 comments.

Please let me know if you need additional information or documents for your review, thank you.

Sincerely,

Michael E. Downs  
Policy Senior Planner  
State of Maine  
Dept. Of Health and Human Services  
Office for Family Independence  
Ph (207) 624-4135  
Fx (207) 287-3455

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**10-144 C.M.R. Ch. 607 - ASPIRE-TANF Program Manual  
Sections 1 - Definitions and Descriptions, and 18 – Working Cars for Working Families**

**ASPIRE Rule 25A - Working Cars for Working Families**

**Summary of Public Comments and the Department's Responses  
And List of changes Made to the Final Rule**

The proposed rule was published on June 3, 2020. The Department of Health and Human Services held a public hearing on August 10, 2020, at 1:00 p.m. Written comments were accepted through August 20, 2020.

Four hundred fifty-six individuals requested a hearing but provided no comment on the rule.

This document combines all oral and written comments received during the public comment period ending on August 20, 2020.

**Table of Commenters**

- |   |   |
|---|---|
| 1. Sheri LeRoy, GSL Alarms                          | 27. Ryan Wing   |
| 2. Nicole   | 28. Rebekah Jardine-Belanger, Hands on Reiki              |
| 3. Lovia Koscinski                                  | 29. Lee Wang  |
| 4. Crystal Pease                                    | 30. Michelle Tibbetts                                     |
| 5. John Ryder                                       | 31. Michele Smith   |
| 6. Regina Cote                                      | 32. Judy Cyr  |
| 7. Marisa Bethea                                    | 33. Donna Hoitt   |
| 8. James Cruwys                                     | 34. Reginald Stratton                                     |
| 9. Colleen Verreault                                | 35. Judith Crosby   |
| 10. Randy Corey                                     | 36. Cindy Rothweiler                                      |
| 11. Anonymous 1                                     | 37. Kim M. Mercier  |
| 12. Wayne Durgin                                    | 38. [REDACTED]  |
| 13. Pat Bowman                                      | 39. Sarah M. Mulcahy                                      |
| 14. Edward Perry                                    | 40. Jon Whited  |
| 15. Nick  | 41. Julie Dumont Rabinowitz, Maine People Before Politics |
| 16. Anonymous 2                                     | 42. R. J. Brent Levesque                                  |
| 17. Thomas McLaughlin                               | 43. Brian Blake   |
| 18. Kim Young                                       | 44. Amanda Henson   |
| 19. Ann Page  | 45. Capt. Shawn Tibbetts                                  |
| 20. [REDACTED]                                      | 46. Donna S. Talbot                                       |
| 21. Stephen Dahlbergh                               | 47. Sen. Stacey Guerin, Maine State Senate                |
| 22. Michelle Mason Webber, Maine citizen            | 48. Mary Hyland   |
| 23. James Mason Shives                              | 49. Hilary Ellingwood                                     |
| 24. Greg  | 50. Catherine DeRocchi                                    |
| 25. Kaitlin Lagueux, Northeast Residential Services | 51. Neil Byrd   |
| 26. [REDACTED]                                      |   |



52. Sen. Marianne Moore, Maine State Senate
53. Bridget Messer
54. Deborah Ibonwa, Maine Equal Justice
55. Josh Hayward, Hayward Ventures
56. Jennifer Lachance
57. Kenneth Hinkley
58. Cynthia Bonang
59. Anonymous 3
60. Melissa A. Bryant
61. Christine Sprague
62. Mrs. Thomas
63. Renée McKenna
64. Laurianne Brewer
65. Jeremy Porter
66. Anonymous 4
67. Dana Smith
68. Kellie Lapierre
69. Anonymous 5
70. Shane, Citizen of the State of Maine
71. Rachel
72. Robyn McCoach
73. Jane Bishop
74. Melissa Albert
75. Joshua D. Bickford
76. Anonymous 6
77. James D. Libby
78. Tracey Benson
79. Cynthia Swift
80. Anonymous 7
81. Beth Pickens
82. Wayne Paul
83. Andrew Scott
84. Kelly Lehoux
85. Brian Stephen
86. Jonathan Martell
87. Jessica P. Meek
88. Rebecca Cummings
89. Mark Duquette
90. Wendy Hansen
91. Christine Heath
92. Anonymous 8
93. Elizabeth D. Jones
94. Gale Hill
95. John Keizer
96. John Tilton
97. Denise Garnett
98. Anonymous 9
99. Steven Hartley
100. Anonymous 10
101. Anonymous 11
102. Nathan Leach
103. Nancy Clark
104. Anonymous 12
105. Anonymous 13
106. Tina Courtway
107. Janeen Feero, Penquis
108. Shelley McGowan
109. Robert Deschambeault
110. Kelly Cummings
111. Tera Day
112. Chelsea Tripp
113. Anonymous 15
114. Robert Kittredge
115. Kelly Hansen
116. Wanda Hale
117. Anonymous 16
118. Suzanne Craig
119. Jodie Logan
120. Meredith Toumayan
121. Anonymous 17
122. Anonymous 18
123. Ashley Griffin
124. Missy Jordan
125. Hope Ricker
126. Sharon Nichols
127. [REDACTED]
128. Elizabeth Soisson
129. Christopher Porter
130. Sean Trahan
131. Anonymous 14<sup>1</sup>
132. Representative Patty Hymanson, Joint Standing Committee on Health and Human Services, Maine State Legislature
133. Dale McCormick, Women Unlimited

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<sup>1</sup> called into the hearing but did not provide testimony.

## Summary of Comments and Responses

1. **Comment:** Commenter 1 stated, “NO NO NO - this is a horrible plan. I do not want it or condone it. Don't you think if people could afford upkeep, full coverage insurance tires, maintenance etc for a car, they would already have one? I am against this fully.”

**Response:** The Department thanks you for your comment. Title 22 M.R.S. § 3769-F requires the Department to adopt rules establishing this program. Within the rule, Section 18(VII)(C)(1) requires that the Department determine that the individual is able to afford vehicle maintenance and insurance. By assisting with the cost of reliable transportation, this program achieves its goal to keep working families employed and help them to transition away from public assistance. There was no change as a result of this comment.

2. **Comment:** Commenter 2 stated, “This is an absolutely unnecessary and deceitful, not to mention disrespectful, thing to do to the hardworking people of Maine. Welfare should not be a permanent long term, or even 2 year option, it should be a hand UP not a hand OUT. Taxpayers like myself and retired veterans like my husband have worked extremely hard to get to where we are today. How can you expect to build a great economy with hardworking people in Maine when you are encouraging folks to live the easy way? We need something called RESILIENCE. You are enabling those who are not willing to step up. This money will unfortunately go to the ones who are OVER privileged by living off the system. Instead, why not use the funds to help them seek training or education? We need more hard workers, not ‘get-by-ers’ !!!”

**Response:** The Department thanks you for your comment. This program is designed to be temporary assistance to working families, intended to remove transportation barriers to employment and allow the participants to remain working. Within the rule, Section 18(V)(B)(1) specifies that to qualify, individuals will need to be working or demonstrate that they would reasonably expect to be working within the next 30 days. The Department currently operates the Food Supplement Education and Training (FSET), Higher Opportunity for Pathways to Employment (HOPE), and Parents as Scholar (PaS) programs specifically designed to assist with training and education necessary for sustainable employment in some areas of Maine’s labor market. The statutes and regulations governing the Additional Support for People in Retraining and Employment (ASPIRE) program require participants to be working or in training or education with the purpose of gaining employment. The Working Cars for Working Families Program, as well as other Department programs explained here, are designed to assist recipients of public assistance with overcoming barriers to employment. There was no change as a result of this comment.

3. **Comment:** Commenter 3 stated, “NO!NO!NO! ... let them get it the way all of us hardworking tax paying people do!! Buy them a bicycle or a bus pass!”

**Response:** The Department thanks you for your comment. Title 22 M.R.S. § 3769-F requires the Department to adopt rules establishing this program. Within the rule, Section 18(III)(A) specifies that services may include coordinating public transportation or shuttle services. The same paragraph also specifies that the most effective and efficient method to achieve the goal of providing long-term transportation solutions will be used. Therefore, if

a vehicle is not the most effective and efficient solution for a particular working family, a different solution will be provided. Public transportation, unlike this Program, is not available statewide. There was no change as a result of this comment.

4. **Comment:** Commenter 4 stated, “Maine has many seniors unable to afford vehicles along with food and meds. The people that need assistance (some of which do work 40+ hours a week) that barely make ends meet. I do not support this.”

**Response:** The Department thanks you for your comment. The Department operates a number of programs to assist seniors and those with disabilities with medications and food insecurity. In addition, if a senior is the caretaker of a minor child, are working, and otherwise meet the eligibility requirements of this program, they may be eligible for this program. There was no change as a result of this comment.

5. **Comment:** Commenter 4 stated, “This program is already broken and understaffed to keep this in check.”

**Response:** The Department thanks you for your comment. There was no change as a result of this comment.

6. **Comment:** Commenter 4 stated, “I for one don't mind helping others but my taxpayer dollars are not funding this. We as Mainers should start filing exempt or 0 on our tax forms and not bother filing taxes if our money is just going to be used to help people that continually abuse the system. No thanks!!”

**Response:** The Department thanks you for your comment. Title 22 M.R.S. § 3769-F requires the Department to adopt rules establishing this program and specifies that it be funded with federal Temporary Assistance for Needy Families (TANF) block grant funds accrued prior to fiscal year 2017-18. This funding limitation is reiterated within the rule at Section 18(III)(C). There was no change as a result of this comment.

7. **Comment:** Commenter 5 stated, “I, as a taxpayer of the state of Maine, do not agree with this in any form”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 6.

8. **Comment:** Commenter 6 stated, “As a working family, it's a struggle to pay for, and maintain a vehicle. With high fuel costs, and constant maintenance due to our horrible road conditions. Now add in insurance and registration costs.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 1.

9. **Comment:** Commenter 6 stated, “Frankly, as a taxpayer in this state, we are over burdened as it is, and I don't want to pay for this. As a state, we CAN'T AFFORD IT!!”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 6.

10. **Comment:** Commenter 7 stated, “This rule has too many loopholes. Giving free stuff without earning the right is irresponsible and unintelligent.”

**Response:** The Department thanks you for your comment. For all programs, the Department includes methods and systems that ensure program integrity and accessibility within the confines of State and federal laws and regulations. There was no change as a result of this comment.

11. **Comment:** Commenter 7 stated, “Use of public transportation should be required. Buy them tickets to ride.”

**Response:** Please see the Response to Comment 3. There was no change as a result of this comment.

12. **Comment:** Commenter 8 stated, “I don't support this at all. I save my money and have purchased over a dozen cars myself.”

**Response:** The Department thanks you for your comment. Title 22 M.R.S. § 3769-F requires the Department to adopt rules establishing this program. There was no change as a result of this comment.

13. **Comment:** Commenter 8 stated, “I don't agree with your illegal tracking program either. You are violating our rights. You have no regard for the Constitution. I voted against you and will do it again.”

**Response:** The Department thanks you for your comment. There is no tracking program as part of this rule. There was no change as a result of this comment.

14. **Comment:** Commenter 9 asked, “Why is this up for consideration now if it was in effect for budget years 2017-2018?”

**Response:** The Department thanks you for your comment. The Commenter is correct that the law (P.L. 2017, ch. 284) establishing this program was signed into law in July of 2017, and that, subsequently, Title 22 § 3769-F directs the Department to adopt rules to implement the program prior to July 1, 2018. The Department initiated rulemaking in 2017 however, the administrative approval process for rulemaking has extended to the current point. There was no change as a result of this comment.

15. **Comment:** Commenter 9 stated, “Seems that with everything going on with shut downs due to COVID any available funds should be applied towards helping small businesses get back on their feet in order to provide employment opportunities for people.”

**Response:** The Department thanks you for your comment. Title 22 M.R.S. § 3769-F specifies that this program be funded with federal TANF block grant funds accrued prior to fiscal year 2017-18. The parameters on use of this funding is clear in the statute. Title IV, Section 401 of the Social Security Act (the federal statute governing TANF) prescribes the purposes for which TANF funds may be expended. The use of funds in the way the commenter described would not be an allowable use. There was no change as a result of this comment.

16. **Comment:** Commenter 9 asked, “What exactly would cost \$6,000,000 if folks are paying for their own insurance and maintenance?”

**Response:** The Department thanks you for your comment. Title 22 M.R.S. § 3769-F directs the Department to use \$6,000,000 to fund the program. Program expenses will include, at a minimum, vendor staffing to operate the program, the cost of providing transportation and vehicle purchases. There was no change as a result of this comment.

17. **Comment:** Commenter 9 asked, “How will this be monitored and rules enforced?” The Commenter stated, “Their are many ‘commitments’ for participants who will essentially get a car for \$2700 at the end of 2 years if they comply with their commitments.”

**Response:** The Department thanks you for your comment. Monitoring will be done by a combination of Department staff and the contracted agency operating the program. The Office’s Fraud Investigation and Recovery Unit also investigates reports of program violations made by community members. There was no change as a result of this comment.

18. **Comment:** Commenter 9 stated, “I have so many questions.” The Commenter asked, “How do these things come about without tax-payer knowledge?”

**Response:** The Department thanks you for your comment. P.L. 2017, ch. 284, the law establishing this program, was passed by the 128<sup>th</sup> Maine Legislature and signed into law in July of 2017. There was no change as a result of this comment.

19. **Comment:** Commenter 10 stated, “I’m contacting you in regards to the decision made by Governor Mills to use approximately 6 million dollars to purchase cars for people on welfare, as reported by the Maine People Before Politics. We have small business's in this state that have closed their doors for good due to the executive orders by Governor Mills. We are at a state where future revenues are in jeopardy because of the Covid-19 pandemic. The budgets of Kennebec County saw large increases in their budget proposals due to the loss and uncertainty of state revenues and the legislative body not being in session to appropriate funds. Therefore placing a greater tax burden on taxpayers in a time of financial uncertainty. This is a financially bad decision to use these funds to purchase vehicles for people. In my lifetime I have never seen such a irresponsible appropriation of taxpayer money. The state is one of the states that have the highest population of older citizens, due to an exodus of young adults leaving this state. The actions such as this is why this state has such a high tax rate and lower wages. I moved back here from another state with my wife in retirement and we are now discussing putting our home up for sale and leaving this state, to reside in a state with lower taxes and a state which spends our tax dollars responsibly.”

**Response:** Please see the Response to Comment 6. There was no change as a result of this comment.

20. **Comment:** Commenter 11 stated, “This is the most egregious waste of tax dollars I have ever heard of. It is an insult to any hard working Mainer that has had to scrimp and save to afford their own vehicle. Don't spend my taxes on this outrageously ridiculous give away!”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 6. There was no change as a result of this comment.

21. **Comment:** Commenter 11 stated, “The rules are vague and enforcement will be impossible.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 17. There was no change as a result of this comment.

22. **Comment:** Commenter 12 stated, “I’ve recently learned of the plan of giving cars away. Never heard anything so out landis. If people need help give them help. Not a car that won’t be maintained. Please try and get this rethought. Thank you”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 1. There was no change as a result of this comment.

23. **Comment:** Commenter 13 stated, “I strongly oppose this expenditure, planned in the \$6,000,000 ballpark, at a time when the State of Maine is facing dire economic conditions for some extended period of time. Too many people out of work. Too many businesses still closed down.” The commenter went on to say, “I can’t emphasize enough how strongly I oppose this proposal by Governor Mills. If she has difficulty in finding a place to spend \$6,000,000 at this point, I can tell you there are people who haven’t received the stimulus bail out money first round at this point and businesses are closing every day or choosing not to re-open. This is not the time to buy cars for people who aren’t currently unemployed. They would need to seek assistance from other programs that are currently available. I do not want to see \$6,000,000 going to this ill-prepared program.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 15. There was no change as a result of this comment.

24. **Comment:** Commenter 13 stated, “There’s insufficient oversight to manage this program once vehicles are purchased.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 17. There was no change as a result of this comment.

25. **Comment:** Commenter 14 stated, “I am against this change.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 12. There was no change as a result of this comment.

26. **Comment:** Commenter 15 stated, “How about set up families with public transportation. After the individual as a sustainable job they can start putting their own money aside and purchase their own vehicle. I have to pass drug test and support my own home and vehicle needs all on my own. I get zero tax break from the state and I work 40+ hours a week and still break even on my state taxes at the end of the year. If you keep handing people free things they will never have any pride in anything they “own” and will not respect it. Look at all the low income housing the buildings are trashed. I have seen first hand the vehicles that are supplied for the ‘needy’ and they do nothing to maintain them. Zero pride in

anything they have and that's why they don't have a job because they don't care what their performance looks like."

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 1 and 3. There was no change as a result of this comment.

27. **Comment:** Commenter 16 stated, "After reading the rule, I would suggest that the state of Maine become the lienholder, reasoning being that we know that Maine people sell their EBT cards when the rules state they cannot engage in such behavior. Having the state be the lienholder would prevent people from selling and pocketing the money from said sale. If the state refuses to prosecute people who sell their EBT cards, why would we believe the state would follow through with penalize people who sell their cars."

**Response:** The Department thanks you for your comment. The Department did consider the ownership of the vehicles being retained by the State, but was advised by counsel that liability associated with State-ownership would be too great. Please see the Response to Comment 17. There was no change as a result of this comment.

28. **Comment:** Commenter 17 stated, "This has got to be the worst giveaway program I have ever heard of. I know personally welfare people that will not go to work cause they will loose all their free benies. This is a slap in the face for people that do work and buy their own cars. Instead of helping the dead beats help the working people of this state. Stop this absurd program now."

**Response:** The Department thanks you for your comment. Please see the Response to Comment 12. Within the rule, Section 18(V)(B)(1) specifies that to qualify, individuals will need to be working or demonstrate that they would reasonably expect to be working within the next 30 days were transportation not a barrier to employment. There was no change as a result of this comment.

29. **Comment:** Commenter 18 stated, "We the working people need the help that she is. Giving to the. Welfare. They dont need cars when they dont work their paycheck cines in the mail and their food stamp card. Does also."

**Response:** The Department thanks you for your comment. Please see the Response to Comment 28. There was no change as a result of this comment.

30. **Comment:** Commenter 19 stated, "This is a terrible idea. I am completely against it. Frivolous waste of taxpayer's money."

**Response:** The Department thanks you for your comment. Please see the Response to Comment 6. There was no change as a result of this comment.

31. **Comment:** Commenter 20 stated, "I cannot afford to purchase a NEW car... I live on my SSI (\$699 after paying for medicare ins) and work two part-time jobs in order to maintain my apartment and 2001 vehicle, utilities, groceries and day to day living expenses. The current vehicle can no longer be inspected and I need to purchase a USED vehicle for around \$6,000 in which I will use life savings of \$2,500 and the remaining \$3,500 on my

credit card! So pardon me if I am angry about this program providing NEW vehicles to working families when I, a single person, goes without in order to purchase a USED vehicle... of which I am still looking for! Way to go Maine... that money is coming out of paying tax payers!”

**Response:** The Department thanks you for your comment. New or used cars, or other transportation supports, may be provided by this program if they are the most effective and efficient long-term solution to transportation barriers to employment. Please see the Response to Comment 28. There was no change as a result of this comment.

32. **Comment:** Commenter 21 asked, “What's going to keep these families from selling these cars for profit?”

**Response:** The Department thanks you for your comment. Within the Rule, Section 18(VII)(C)(4) specifies that selling the car during program participation would be an intentional program violation, and that the perpetrator would need to repay an amount equal to the value of the vehicle at the time of the initial transfer of ownership. They would also be ineligible for a number of Departmental benefits, as defined in each program’s regulations. There are additional penalties, including jail time, if the violation is prosecuted as welfare fraud (see Title 22 M.R.S. § 3182). Requiring indefinite retention of the vehicle past the duration of program participation may have unintended consequences that are contrary to aspects of the program’s mission, which is to provide safe, reliable transportation to employment. There was no change as a result of this comment.

33. **Comment:** Commenter 21 asked, “Are gas cards free too?”

**Response:** The Department thanks you for your comment. Section 18(VII)(C)(1)(a) of this rule specifies that participants eligible to receive a program vehicle must be able to cover all costs of vehicle ownership without Department assistance. There was no change as a result of this comment.

34. **Comment:** Commenter 21 asked, “Is insurance free too?”

**Response:** The Department thanks you for your comment. Please See the Response to Comment 33. There was no change as a result of this comment.

35. **Comment:** Commenter 22 stated, “This program should not be put into place. Although it is CURRENTLY funded with federal money, it will create another program that needs office space & equipment, staffing, fringe benefits, etc. to administer. Once the federal money runs out, the politics in this state will want it to continue and so we will have to budget money from state coffers to keep it going. Since the pandemic has hit state, local and individual budgets hard, now is not the time to launch such a program. Low-income people (and I have been one of them) find ways to get to work if they don't have a working vehicle (friends and family often step in), and we have more public transportation available in this state than we used to. We need to be conservative and fiscally responsible to ALL Maine citizens, businesses and communities.”



**Response:** The Department thanks you for your comment. Please see the Response to Comment 6. Any potential future change to the funding source would require legislative action or additional rulemaking and is outside of the scope of this rulemaking. There was no change as a result of this comment.

36. **Comment:** Commenter 23 stated, “As John F Kennedy, Democrat, said.... Ask not what your country can do for you, but what you can do for your country. Isn’t the bus system in part to help those without vehicles?”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 3. There was no change as a result of this comment.

37. **Comment:** Commenter 24 asked, “Are these NEW cars?” The commenter stated, “They should be USEDUSED”. The commenter asked, “Value?”

**Response:** The Department thanks you for your comment. This rule does not specify the age or value of the vehicle. New or used cars, or other transportation supports, may be provided so long as they the most effective and efficient long-term solution to the family’s transportation barrier to employment. There was no change as a result of this comment.

38. **Comment:** Commenter 25 asked, “How do we sign up for it?”

**Response:** The Department thanks you for your comment. Once final rules are adopted and a service contract with a statewide vendor is finalized, information on how to sign up will be available at DHHS offices and on the OFI website, <https://www.maine.gov/dhhs/ofi>. There was no change as a result of this comment.

39. **Comment:** Commenter 26 stated, “Maine had a similar program called ‘Good wheels program’ which was run through community concepts I think! That was the worst program put together by a bunch of folks that were lining their own pockets without actually taking care of the vehicles they sold to people that needed them. We had received one of these vehicles and within the first 72 hours the vehicle had blown a transmission I was in Salisbury mass on my way back to Maine from work in Malden mass. Once they finally towed the piece of junk 12 year old vehicle they sold is for almost 4000 dollars they had the guys to call me and tell me that my vehicle was a mess and that I needed to take better care of it. This vehicle broke down out of state at 11 pm. The last thing I was going to do was clean the vehicle out considering my family was 3 hrs away and had to come get me. Once fixed they returned the vehicle to us and within 90 days the transmission went again. We called them back and they to ld us we were on our own with it. So I then put my own transmission in the van out of pocket. This is just another crooked Maine state program. The team should investigate Dhhs they’re behind this with Janet mills”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 12. The proposed rules were drafted, taking into consideration the Department’s experience with past and current transportation assistance programs, as well as similar programs in other states. There was no change as a result of this comment.

40. **Comment:** Commenter 27 stated, “This is an awful idea. I have had to scramble get second jobs to buy cars and continue to make payments. Handing a car to some one is going to do nothing, they will put gas in it when they feel like it use it lets their friends use it destroy it and they when time comes the cars will be repossessed and we will just have a flood of junk cars that the cash for clunkers program managed to get off the road and cleared out. Talk about rolling back the dice.”

**Response:** The Department thanks you for your comment. The conditions related to the use and maintenance of a program vehicle are detailed in Section 18(VII)(A)(4). The Commenter is correct that if the participant violates these conditions, pursuant to Section 18 (VII)(A)(4)(o), they will need to return the vehicle. Furthermore, per Section 18 (VII)(A)(2), they may be charged with an Intentional Program Violation, which would preclude them from any number of benefits, and may be assigned an overpayment up to the value of the vehicle. There was no change as a result of this comment.

41. **Comment:** Commenter 27 stated, “WOW Stop handing out stuff get people back to work and off the government it is supposed to be a lifeline not a lifestyle. CARS for Couch potatoes! There are jobs everywhere in my town that are easily walking distance, we are already clothing these people, I think they can pick out a better pair of shoes and get to a job somewhere. I had to!”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 28. If an individual is in an area where another means of transportation is more effective and efficient (Section 18(III)(A)) or if they have consistent access to any form of reliable transportation that does not limit their employment (Section 18(V)(B)(2)), they would not be eligible for a vehicle through this program. There was no change as a result of this comment.

42. **Comment:** Commenter 28 stated, “I want a running car. Why am I struggling to keep my car in working condition so that I can go to work to support myself and disabled husband.

We do not receive any state or government assistance and our lot fees have gone up every year.

Why don't you support those people who work? Giving assistance to those who help themselves would be in the best interest of our state.

This is a bad idea. Help Mainers who work but don't quite make ends meet. Have you even seen the prices of food, meats and fruits/veggies? ...

The lower-middle class Mainers are struggling and dying a slow death and you want to give cars out to work?? We are working...we don't get any cars. ... Look after all Mainers.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 4. There was no change as a result of this comment.

**43. Comment:** Commenter 28 stated, “You not only gave an extra 600.00 to unemployed workers but also increased it for those who were previously on unemployment AND to prisoners. Sinful.”

**Response:** The Department thanks you for your comment. This comment is outside the scope of the rulemaking. There was no change as a result of this comment.

**44. Comment:** Commenter 28 asked, “Are you paying for their registrations and insurance too?”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 33. There was no change as a result of this comment.

**45. Comment:** Commenter 29 stated, “This cars need to be of very specific color. So if I see one I can scream - Hey look everybody is a free ride. You people are pathetic!”

**Response:** The Department thanks you for your comment. There was no change as a result of this comment.

**46. Comment:** Commenter 30 stated, “This is insane! Although the funds are federal not state, it is still our tax dollars paying for this.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 6. There was no change as a result of this comment.

**47. Comment:** Commenter 30 stated, “Why are the hardworking, just above the welfare limit people punished for working? We should encourage people to support themselves rather than rely on others to assist them with everything. We as a state are way too generous for too long a period of time. Where is the incentive for them to get off welfare and support themselves. Give a man a fish, he’ll eat for a day. Teach him to fish, he’ll eat his whole life. Not in favor of this!!”

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 6 and 28. There was no change as a result of this comment.

**48. Comment:** Commenter 31 stated, “On the end of all that has been lost due to the covid response by the state of Maine, and giving that we still actually live in the United States of America, taking monies that belong to the 'people' and passing it on as free cars to others is not a good idea. I completely disagree with this 'rule', and since it is taking from monies that 'we the people' pay to run the state, I believe our votes against it should count. I do not want this rule to pass.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 6. Section 18 (VII) specifies criteria for vehicle delivery which includes monthly premium payments. There was no change as a result of this comment.

**49. Comment:** Commenter 32 stated, “I’m sorry, NO! If you can afford the latest cell phone and outrageous bill, you can afford a car. Priorities people!”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 12. There was no change as a result of this comment.

50. **Comment:** Commenter 33 stated, “This is ridiculous! There are a lot of people who work and can barely maintain their own cars.”

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 1 and 28. There was no change as a result of this comment.

51. **Comment:** Commenter 33 stated, “Federal funds are still my tax dollars.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 6. There was no change as a result of this comment.

52. **Comment:** Commenter 33 stated, “Expand public transportation. Giving people handouts will never teach them the value of something they've actually had to work and sacrifice for.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 3. There was no change as a result of this comment.

53. **Comment:** Commenter 34 stated, “This bill does not have my approval as a law abiding tax payer. If people are enabled by bills such as this they will never break free from government hand outs. Get your own job, buy your own car that is the American way. Quit wasting our monies on people who can stand on their own two feet.”

**Response:** The Department thanks you for your comment. This rulemaking is directed by a former bill (LD 390). Please see the Responses to Comments 12 and 28. There was no change as a result of this comment.

54. **Comment:** Commenter 35 stated, “The Maine Department of Health and Human Services is proposing to implement a program called "Working Cars for Working Families," and it comes with a \$6 million price tag. There are reportedly a lot of terms and conditions in the 12 page proposal. I understand Working Cars for Working Families was passed by the Maine legislature in 2017 and signed by Governor LePage, who chose not to implement it. Additionally, the Mills administration is following state law by proposing rules to launch the program, which is set to expire in 2022. If funding runs out before then, the rules lay out a few options, like taking no new applications, as well as reducing or terminating the program.

The Working Cars for Working Families program which Governor Janet Mills is ready to implement, supposedly requires "no state general fund dollars." I have a few questions:

Commenter 35 asked, “Is the program funded entirely by federal dollars or does some of the money come from a Maine fund other than the ‘general fund?’” The commenter states, “There are more costs to implementing the program other than purchasing vehicles and/or paying for public transportation.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 6. It does not expend State revenue. The Department is contracting with an agency to administer this program. All expenses under that contract will be covered with the \$6,000,000 in federal TANF block grant funds allocated by law to this program. There was no change as a result of this comment.

55. **Comment:** Commenter 35 asked, “Is the money to purchase the cars paid for entirely with federal funds?”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 54. There was no change as a result of this comment.

56. **Comment:** Commenter 35 asked, “Specifically, what are the state laws the Governor is following by proposing rules to launch the program?”

**Response:** The Department thanks you for your comment. Please See the Response to Comment 12. Additional laws related to rulemaking procedure can be found at 5 M.R.S. §§ 8052 and 8053. There was no change as a result of this comment.

57. **Comment:** Commenter 35 asked, “Where can Maine residents read this 12 page proposal, complete with rules, which are related to the program DHHS and Governor Mills are proposing to launch?”

**Response:** The Department thanks you for your comment. The law (P.L. 2017, c. 284) establishing this program was passed by the 128<sup>th</sup> Maine legislature and signed into law in July of 2017. Subsequently, Title 22 § 3769-F directed the Department to adopt rules to implement the program. The full text of the rule is available online at <https://www.maine.gov/dhhs/ofi/about-us/rules/proposed#anchor2632483>. There was no change as a result of this comment.

58. **Comment:** Commenter 35 asked, “If the funding runs out before 2022 what are ALL the rules and options?”

**Response:** The Department thanks you for your comment. All proposed details on reduced funding for this program can be found in Section 18(C) of the rule. There was no change as a result of this comment.

59. **Comment:** Commenter 35 asked, “Given the situation with reduced work force due to the pandemic, realistically, how closely monitored can the Working Cars for Working Families program be?”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 17. There was no change as a result of this comment.

60. **Comment:** Commenter 35 asked, “Who will monitor the program?” The commenter stated, “Sadly, DHHS sees to have their hands full with more pressing matters such as child welfare and safety, to name just a few.”

**Response:** The Department thanks you for your comment. Please See the Response to Comment 17. There was no change as a result of this comment.

61. **Comment:** Commenter 35 stated, “It appears this program will be slipped through when our Legislature is not in session. I find deplorable the fact there is no scheduled public hearing and would expect Maine people have a right to weigh in on this issue. \$6 million is a lot of money!”

**Response:** The Department thanks you for your comment. The Legislature passed LD 390 in 2017, which became P.L. 2017, c. 284, establishing this program. The law directs the Department to promulgate this rule, and the Legislature typically has limited involvement in the rule making process. After receiving a request from over 450 individuals for a hearing on this rule, the Department held a hearing on August 10, 2020. There was no change as a result of this comment.

62. **Comment:** Commenter 36 stated, “As a taxpayer, this seems like a really bad idea. How about something that makes more sense and instills a sense of responsibility? Provide loaner cars or Uber vouchers until employment is obtained, and once income is verified, low or no interest loans to actually purchase cars. These “freebie” programs are breaking the backs of the property tax paying citizens. As my mother used to say, “things aren’t appreciated that are given, not earned”. Also wouldn’t this be incentive to stay employed? Like we all have to?”

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 3, 6, 12, and 48. Section 18(VII)(A)(1) specifies that suitability of services needs to be reevaluated every six months or any time there is a change in employment or transportation circumstances. This program is designed to be an incentive to stay employed. There was no change as a result of this comment.

63. **Comment:** Commenter 37 stated, “It is not the job of the government to be provided cars to welfare recipients so they can get to work. By giving a car with no strings attached, that person has no dog in the fight. They can even sell it without retribution! That’s insane. This program will be busy within a year and you’ll be selling the cars for scrap. NO!”

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 6 and 32. There was no change as a result of this comment.

64. **Comment:** Commenter 38 stated, “I am very interested & in need of this Working Cars for Working Families program.” The Commenter asked, “Do I have to be part of ASPIRE and/or have a child(ren) to qualify?”

**Response:** The Department thanks you for your comment. 22 M.R.S. § 3769-F, specifies that the program be available not only for families who are part of ASPIRE, but also those who are financially eligible for Alternative Aid. Participation in ASPIRE is not required to be eligible for this program. However, eligibility for these programs is limited to families with children. There was no change as a result of this comment.

65. **Comment:** Commenter 39 stated, “I do not support this proposed program. I myself worked without a car for two years, walking, biking, or having a family member drive me to work while I saved up to buy a car of my own, which I eventually did. I was careful with my spending and earned good credit so I could take out a loan on a new car when I was ready. People do NOT need to government to help them get a car; they need to be personally responsible and sensible with their budget. We do not need the state to spend MORE money on programs that are not needed. A program isn't needed; personal responsibility and financial smartness is needed.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 12. There was no change as a result of this comment.

66. **Comment:** Commenter 40 stated, “This need to be voted on. This is waist of tax payers money. Please stop the governor.”

**Response:** The Department thanks you for your comment. The 128<sup>th</sup> Legislature voted to pass the law establishing this program and it was signed it into law in July of 2017. There was no change as a result of this comment.

67. **Comment:** Commenter 41 stated, “When this program was first proposed in the Legislature and passed in the state budget in 2017, Maine’s economy was not only roaring, the state was facing a workforce shortage. Today, the state is confronting a global pandemic—the managing of which falls to DHHS as the lead agency, and record unemployment. As a result of measures ordered to slow the spread of the Coronavirus, a record-breaking recession is predicted to hit Maine worse than any state except perhaps Nevada.

The ramifications for the state’s budget have not yet been fully assessed, but the Mills Administration’s own initial estimates, not only presented to the Appropriations and Financial Affairs Committee but also submitted to the state’s Congressional delegation, are that the state will experience a \$3 Billion budget gap created by both new COVID-related expenses and budget shortfalls due to sharp declines in sales, income, corporate, and gas tax revenues.

Whereas the state in 2017 may have had a compelling interest in getting people to work, today, the state’s compelling interest should be to preserve resources that may be needed by Maine’s families devastated by the recent economic fallout and the closure, either temporarily or permanently, of hundreds of Maine businesses.”

**Response:** The Department thanks you for your comment. The Commenter is correct that the law (P.L. 2017, c. 284) establishing this program was codified in July of 2017. Subsequently, Title 22 § 3769-F directs the Department to administer the program through June 30, 2022. The Department is engaged in rulemaking in an effort to comply with the law. Any action to change the statutory directive to implement the program would need to be taken by the Legislature and is outside of the scope of this rulemaking. There was no change as a result of this comment.

- 68. Comment:** Commenter 41 stated, “This program, as drafted, incentivizes people to stay on welfare. Under these rules, a person could end up owning a car worth \$10,000 (or even \$30,000 or greater value) for a total of \$2,700 after two years. Say, for example, that an employer offers that participant a \$4,000 or \$5,000 raise and promotion (that would make the person program-ineligible) after that participant has been in the car program a year, and still owes \$1,200 on the vehicle. As drafted, this program increases the likelihood that the participant would turn down the promotion or encourage their employer to not even offer it, preferring to stay on welfare in order to keep the car, the low car payments and to achieve full ownership of the vehicle in a year. The rules don’t provide for a buy-out or alternative payment plan in this situation, and without the car the person may not be able to get to work.

Increased earnings have a net-positive effect on workers’ long-term Social Security benefits. The proposed Working Cars for Working Families program incentivizes people to stay on welfare and avoid opportunities that would be better for themselves and their family in the long term.”

**Response:** The Department thanks you for your comment. The rules as proposed allow retention of the vehicle after 27 payments. The rules do not require that those payments extend for a specific minimum period of time. Providing the vehicle is a one-time support. Continued collection of premiums may continue beyond the program participation period and would be considered a job retention support. There was no change as a result of this comment.

- 69. Comment:** Commenter 41 stated, “[A]lthough the governing statute and the rules authorize the department to use the allocation to include other transportation options, ‘Such options may include, without limitation—furnishing purchased or donated vehicles to participants; coordinating public or private transportation; facilitating car shares among participants; ride or shuttle service; or providing driver instruction or education,’ the rules as drafted fail to address how alternatives to vehicle ownership would be implemented.”

**Response:** The Department thanks you for your comment. Implementation of the provision of supports will be detailed in the contract with the agency providing those supports and is outside of the scope of these rules. There was no change as a result of this comment.

- 70. Comment:** Commenter 41 stated, “The statute specifically states that the program will provide: ‘access to reliable, affordable transportation,’ but the rules as written do not address either factor. The rules as proposed are mostly about participant eligibility, not how DHHS or its contractor will assure that the cars are working and that the cars provided to the participating individual are affordable to maintain.”

**Response:** The Department thanks you for your comment. The commenter is correct that these rules stipulate applicant and participant rights and responsibilities. The details related to the types of vehicles or other supports provided will be directed by the Department through the contract with the program service and are outside of the scope of this rulemaking. There was no change as a result of this comment.



71. **Comment:** Commenter 41 stated, “The statute also specifically requires the rules address ‘administration requirements,’ and the rules are exceptionally vague on those points.” The commenter provided specific concerns which, for clarity of matching comments to responses have been separated out into the following comments:

**Response:** The Department thanks you for your comment. The commenter correctly identified that the law, the rules, the provider contract, and individual Program Agreements each provide an increased level of detail and specificity. Within the rule, Section 18(III) provides a level of specificity that is appropriate and compliant with the law. Further detail is the purview of the afore mentioned provider contract and individual Program Agreements and as such, is outside of the scope of this rulemaking. There was no change as a result of this comment.

72. **Comment:** Commenter 41 expressed concern related to, “No limits or specifications for the types of vehicles that can be used.”

**Response:** The Department thanks you for your comment. Within the rule, Section 18(III)(A) specifies that supports (vehicles or otherwise) will be the most effective and efficient long-term solution to transportation barriers to employment. A multitude of options are required to meet the program goals and provide appropriate vehicles as well as other transportation resources based on individual family needs. Further specificity is the purview of the provider contract and is outside the scope of this rulemaking. There was no change as a result of this comment.

73. **Comment:** Commenter 41 expressed concern related to, “No limits on the value of the vehicles obtained for the program or whether they are new or used.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 72. There was no change as a result of this comment.

74. **Comment:** Commenter 41 stated, “Although the rules allow for donations, there are no guidelines in the rules providing a framework for accepting and evaluating donations prior to transferring to the participant, what do with donations that don’t meet the standard of ‘reliable’ or ‘affordable,’ or high-value donated vehicles.”

**Response:** The Department thanks you for your comment. All of these matters are the purview of the provider contract and are outside the scope of this rulemaking. There was no change as a result of this comment.

75. **Comment:** Commenter 41 expressed concern related to, “No established ratio of donations versus purchased vehicles that would be used (e.g., a goal or limit to have 60% donated vehicles and only 40% purchased).”

**Response:** The Department thanks you for your comment. The commenter correctly identifies that the Department did not articulate a goal for the percentage of vehicles that would be acquired through donation. To do so may unnecessarily limit the options available to remediate the transportation barriers of program participants. The Department has received stakeholder feedback from subject matter experts who share that donated

vehicles are not a readily available, practical option in a Maine transportation program. This suggested program restriction could result in the Department failing to meet the legal requirements in 22 M.R.S. § 3769-F to provide participants with access to reliable, affordable transportation to assist them in obtaining or retaining sustainable employment. There was no change as a result of this comment.

76. **Comment:** Commenter 41 expressed concern related to, “No rules regarding solicitation of donations or limits on the money that can be spent to solicit donations (e.g., advertising on TV or radio for donations).”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 74. There was no change as a result of this comment.

77. **Comment:** Commenter 41 expressed concern related to, “No threshold of the percentages of the \$6 million that can be used for purchasing vehicles, pay for vehicle repairs prior to transfer to the participant, or the staffing and management of the program and other overhead costs.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 74. Furthermore, the rule requires the most efficient and effective mode of assistance be provided. Prior to program implementation the Department is unable to determine what portion of the funds will be expended for vehicles, and what portion for alternative means of transportation based on need. Placing percentage thresholds on the funds in the rule would be overly prescriptive and jeopardize the Department’s ability to meet the legal requirements in 22 M.R.S. § 3769-F to provide participants with access to reliable, affordable transportation to assist them in obtaining or retaining sustainable employment.

78. **Comment:** Commenter 41 expressed concern related to, “No standards or procedures as to how purchased cars will be procured or assessed for reliability if used, either prior to the purchase or prior to transferring to the participant.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 74. There was no change as a result of this comment.

79. **Comment:** Commenter 41 expressed concern related to, “No set-aside or rules governing the limit on the cost of repairs that would need to be done before turning over a vehicle to a participant (e.g., a limit on repairs could be 30% of the value of the car at the time of donation).”

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 74 and 77. There was no change as a result of this comment.

80. **Comment:** Commenter 41 expressed concern related to, “No ‘lemon law’ provision if the vehicle provided a participant turns out to have excessive repair issues.”

**Response:** The Department thanks you for your comment. No part of this rule nullifies any existing state or federal law. There was no change as a result of this comment.

**81. Comment:** Commenter 41 expressed concern related to, “No exclusions of donated high-end or luxury vehicles for which average or routine repairs would be cost-prohibitive for an ASPIRE participant.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 72. There was no change as a result of this comment.

**82. Comment:** Commenter 41 expressed concern related to, “No requirement that donated cars of a certain high value be sold and the proceeds used to buy two (or more) vehicles to meet the needs of more participants.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 72. There was no change as a result of this comment.

**83. Comment:** Commenter 41 expressed concern related to, “Lack of oversight regarding car accidents in situations where the participant is at fault or not at fault and how such accidents will affect eligibility. For example, if the car is totaled but the driver-participant is found not to be at fault, do they remain eligible for another car? If so, do they start their payments back at the beginning with a new down payment, or pick up payments where they left off?”

**Response:** The Department thanks you for your comment. Section 18(VII)(A)(4) specifies the conditions that must be met prior to gaining access to a vehicle (including the down payment and monthly payments detailed in Section 18(VII)(C)). These conditions would need to be met prior to access to each vehicle. As far as eligibility and suitability for supports, those would need to be redetermined per Section 18(IV)-(VI). In the circumstance the commenter describes, since the participant would have had title to the vehicle, they would receive the insurance settlement, which would assist them with the purchase of their own replacement vehicle. There was no change as a result of this comment.

**84. Comment:** Commenter 41 expressed concern related to, “Lack of clarity around a participant becoming ineligible while in possession of the car and how the program would repossess the car and the title. For example, in a case where the participant is cited for a moving violation that would make them ineligible, the rules do not indicate the procedures for returning the vehicle to the agency, the time frame, and whether the individual can continue to drive the vehicle while it is still in their possession.”

**Response:** The Department thanks you for your comment. Section 18(VIII)(A)(2) specifies that a participant would be terminated from the program if they fail to comply with their Agreement. At that point, if their support was the provision of a vehicle, they would need to return the vehicle. Section 18(C)(4) specifies if they fail to return the vehicle, the Department shall pursue an intentional program violation with an overpayment in the amount of the value of the vehicle at the time it was transferred to the individual. Further details around the timeframes and processes are the purview of the provider contract and individual Program Agreement and are outside of the scope of this rulemaking. There was no change as a result of this comment.

**85. Comment:** Commenter 41 expressed concern related to, “Lack of clarity around the justification for the title transfer and lack of liens. The use of liens would better ensure accountability and be more likely to prevent unauthorized transfer or sale of the vehicle.”

**Response:** The Department thanks you for your comment. The rule itself lays out the program, and supports, eligibility requirements and participant rights and responsibilities. The related rulemaking documents detail the legal authority for the rule making. If the Commenter is suggesting that the Department retain ownership of vehicles, please see response to Comment 27. There was no change as a result of this comment.

**86. Comment:** Commenter 41 expressed concern related to, “No specification that if an electric vehicle is donated or purchased, whether the program is authorized to pay for a charging station to be installed at the individuals’ home or workplace, and any restrictions on the use of that charging station by others. If the individual moves, is a second charging station authorized? If the individual rents and moves away from the lodging where a charging station was installed, is the landlord required to reimburse the program for the value of the charging station?”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 72. There was no change as a result of this comment.

**87. Comment:** Commenter 41 expressed concern related to, “No restriction on how long the participant must keep the car after “graduating” from the program and subsequent program participation. For example, is the participant required to keep the car, and keep it in working condition, as long as the person continues to participate in TANF/ASPIRE, or can the participant sell the car immediately after graduation? If the participant sells the car after graduating, are they eligible to participate a second time in the program?”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 32. There was no change as a result of this comment.

**88. Comment:** Commenter 41 expressed concern related to, “No indication of whether there are federal or state income tax implications for the participant if, upon graduation, they now own the vehicle with a value exceeding what they paid for the vehicle.”

**Response:** The Department thanks you for your comment. Federal or state income tax laws and regulations are outside of the scope of this rulemaking. All existing tax laws and regulations would apply to program vehicles. There was no change as a result of this comment.

**89. Comment:** Commenter 41 stated, “The rules lack clarity around how DHHS or its contracting organization will monitor the compliance and identify violations of the program’s requirements. For example, a commitment to use the “vehicle primarily for purposes of commuting to and from work” seems unenforceable without further definition of “primarily” and a delineation of acceptable secondary uses. For example, trips to the grocery store may be permissible. Examples of non-allowable uses could include such uses as trips to casinos or out-of-state vacations.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 17. Enforcement of ASPIRE policies are detailed in Section 4 of the governing regulations (10-144 Chapter 607). Improper uses are defined at Section 18(VII)(A)(4) and include use by other members of the household, income-producing transportation services, violations of traffic or parking laws, operating under the influence, operating the vehicle in unsafe conditions or in need of repair, and using the vehicle for illegal activities. The Department accepts the definition of “primarily” as “for the most part or chiefly” (Merriam-Webster, 2020). There was no change as a result of this comment.

90. **Comment:** Commenter 41 stated, “Under the Section “VII. PARTICIPATION AND CONTINUED ELIGIBILITY REQUIREMENTS,” the proposed rules lack monitoring requirements and standards for the commitments the participant is required to make to the department in order to remain eligible. For example, A(4)h. requires “A commitment to report any accidents, thefts, or similar types of incidents involving the vehicle to law enforcement immediately.” The department fails to define “immediately.” The department also, and significantly, fails to require that the incident be reported to the department and fails to specify a deadline for when that report must be made.”

**Response:** The Department thanks you for your comment. The reporting requirement cited in Section 18(VII)(A)(4)(h) is relevant to the safe and legal operation of the vehicle. Section 18(VII)(A)(4)(k) requires the participant not to operate the vehicle when in need of repair, to report the need to the Department and cooperate with the Department in arranging for the necessary repairs. Short of the vehicle needing repair, there is no need for the Department to be informed of the incident. As this program is designed for participants that are seeking or have employment and need transportation, it is in the participant’s best interest to notify the Department immediately to resolve any reason the vehicle could not be used. The details regarding the process and deadlines for reporting come under the purview of the contract and are outside the scope of this rulemaking. There was no change as a result of this comment.

91. **Comment:** Commenter 41 stated, “In A(4)o. ‘A commitment to immediately return the vehicle to the Department upon demand, for failure to comply with the terms of the Agreement or the rules of the Program, including transferring title to the Department where applicable,’ the department fails to delineate the steps it will take to repossess a vehicle and/or a title when a participant is in noncompliance and fails to return the vehicle on demand. It appears that the department’s only recourse is VII. C (4), where the department is authorized to pursue an Intentional Program Violation for the value of the vehicle.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 84. There was no change as a result of this comment.

92. **Comment:** Commenter 41 stated, “The rules also are inadequate in pursuing significant violations of the program, namely the sale of the vehicle without written authorization from DHHS. Under Maine law, a prosecution for welfare fraud is not the equivalent of a prosecution for car theft. Welfare fraud prosecution falls under a different statute with a specified punishment.” The commenter cited and quoted 17-A M.C.C. Part 2 Ch. 37 § 905-C, and Ch. 15 § 353. The Commenter stated “As one can see, the punishments under

the statutes governing car theft are vastly different, with the theft being a felony conviction. Car theft's punishment would depend on the value of the auto, and could be either a Class C or B crime: both felonies (Class C: Crimes punishable by up to 5 years incarceration and a \$5,000 fine. Class B: Crimes punishable by up to ten years incarceration and a \$20,000 fine). Whereas welfare fraud is a misdemeanor Class D crime (Class D: Crimes punishable by up to 364 days incarceration and a \$2,000 fine) and is prosecuted under a different section of the criminal code. Because the rules as drafted put no limits on the value of the vehicles provided to participants, it could easily be that an unauthorized sale would be the equivalent of a Class B crime, with a vehicle value of at least \$10,000 at the time of transfer to the participant. Therefore, in the case of the Working Cars for Working Families program as proposed, prosecution for car theft would not only more closely reflect the loss of state's (and taxpayers') investment in the vehicle, it would be a much greater deterrent of a participant transferring the car without written authorization than prosecution for welfare fraud."

**Response:** The Department thanks you for your comment. The Department is responsible for administration of this program and has the ability to pursue intentional program violations and welfare fraud. The Department does not have the ability or authority to prosecute car theft. There was no change as a result of this comment.

93. **Comment:** Commenter 41 stated, "Right now, Maine's situation in the pandemic is fluid and evolving.

If the Mills Administration believes that this program has value for rural Maine residents, at minimum it needs to add significant administrative oversight requirements for reliability and affordability, program administration rules, target metrics by which success will be measured, additional rules to clarify the routine events of car ownership such as accidents and moving violations, and the ability to prosecute for theft by unauthorized taking or transfer for individuals who sell or transfer the car without DHHS's authorization."

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 71, 72 and 92. Target metrics for success for all involved are articulated in Section 18(II) "obtaining and maintaining sustainable employment." Further target metrics for success as they apply to the Department fall under 22 M.R.S. § 3109 and are set and monitored by the Commissioner and Legislature. Further target metrics for success as they apply to the provider will be detailed in the provider contract. Target metrics for success for participants will be detailed in their Program Agreement. All of these details are outside the scope of this rulemaking. The extent to which the routine events of car ownership impact program eligibility are detailed in Section 18(VII)(A)(4). There was no change as a result of this comment.

94. **Comment:** Commenter 41 stated, "I would say that there is definitely a lack of clarity around the title transfer. In the draft rules it is not specific that the title would be transferred upon graduation of the program. It says receipt of the car and that is similar language or receipt of the vehicle in the RFP, and, so, if, the intent of the Department is to transfer title after all the premium payments have been completed, then, that would,

definitely, need to be clarified, because, it could certainly be challenged under the way the draft rules are, currently written.”

**Response:** The Department thanks you for your comment. It is the intent of the Department to transfer title within 30 days of vehicle distribution to the extent reasonably practicable (See Section 18(VII)(C)(1)). The Department’s Request for Proposal (RFP) for program operation, further clarifies that in instances where it is not reasonably practicable to make the transfer within 30 days, it must be done within 90. There was no change as a result of this comment.

95. **Comment:** Commenter 41 stated, “[R]ight now, the draft rules and the statute, note that the section ... the statute that authorizes this program’s operation, repealed on July 1, 2022, and that is in conflict with the RFP which has a contract end date, of September 30, 2022. And my concern is that, this the way the contract is worded, this contract would, actually, exceed the authority of this statute to operate the program.”

**Response:** The Department thanks you for your comment. 22 M.R.S. § 3769-F does not authorize, but rather requires, the Department to operate this program. Specifically, it requires the Department to use \$6,000,000 in previously-accrued federal TANF block grant funds between July 1, 2018 and June 30, 2022 to fund the program. There is no restriction on the Department preventing operation of such a program before or after those dates. Specific services and resources provided through this program fall within the broad authority to administer TANF and ASPIRE: 22 M.R.S. §§ 3762(3)(A), and (5); 3781-A; *et. al.* Within the rule, Section 18(III)(C) limits the program to the afore mentioned \$6,000,000 in TANF block grant funds and provides contingencies for reducing or ending the program prior to June 30, 2022, but the rule does not state that the program will not continue beyond June 30, 2022, should funding remain. There was no change as a result of this comment.

96. **Comment:** Commenter 41 stated, “I want to note that the rules as drafted require a 30-day, period in which the title has to be transferred yet, the RFP requires a 90-day, transfer period. So, the RFP, in that case, would be in violation of the draft rules.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 94. There was no change as a result of this comment.

97. **Comment:** Commenter 41 stated, “We’re, obviously, concerned about transferring the title, while the premiums are being paid, and prior to graduation of the program.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 27. There was no change as a result of this comment.

98. **Comment:** Commenter 41 stated, “We’re, also, concerned that upon graduation of the program, there’s no requirement that the participant, keep the car.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 32. There was no change as a result of this comment.

**99. Comment:** Commenter 41 stated, “It’s not clear as to how that car would be counted in the assets of the individual, because that car could, still, be worth 15 or 20 thousand dollars depending on the make and model and how much mileage is on it.”

**Response:** The Department thanks you for your comment. This rule makes no stipulations that any items distributed through this program would have special treatment as an asset. The treatment of assets for other program eligibility determinations is articulated within each program’s regulations. Treatment of assets for non-agency programs is not the purview of this agency. The treatment of vehicles, gas cards, or any other asset distributed as part of this program are outside of the scope of this rulemaking. There was no change as a result of this comment.

**100. Comment:** Commenter 41 stated, “There’s also a concern about the draft rules regarding the purpose for and the use of the premium payments. And the draft rules states the premium payments that they have to make the premium payment of the \$300 down payment and then the \$100 a month or so that that payment is there and that separately and this is in subsection VII(C) the additional vehicle access provision, that basically that the Department is requiring that outside of any assistance, the participant is able to pay for their for the premium, as well as, it enumerates, the maintenance any maintenance costs and any kind of registration, excise taxes, insurance, etc. but, in the RFP, it specifically details that these premium payments are to be held and set aside, and to be used for those payments for excise taxes, insurance and repairs on the vehicles, as well as, inspections. So, there’s, definitely, a conflict between— the rule, as drafted, which is basically saying that those additional costs have to be able to be paid for by the participant outside of any benefit; and, then, the RFP which is saying that those premium payments would not be applied to the cost of the car; That they would actually be held, essentially, in trust for the individual in the program and, then, in that case, those payments are being paid for those payments are being used to pay for the costs of vehicle ownership; And, in that case, there’s the vehicle is free, because there’s no payment, premium being applied toward the value of the vehicle or, even, being retained by the contractor or the Department; All of those premiums are being held and then used to pay for the cost of vehicle ownership as drafted in RFP”

**Response:** The Department thanks you for your comment. Section 18(VII)(C)(1)(a) specifies that prior to transferring title the Department must determine that the participant is able to pay all expenses associated with owning the vehicle without Department assistance. This ability to the pay expenses will be crucial post participation and is necessary for this support to be a long-term solution to the transportation barrier to employment. Section 18(VII)(A)(4)(j) requires the participant to conduct routine maintenance. Section 18 subsections A(4)(n) and C(1)(b) require the participant to maintain registration, and insurance; ensure the vehicle passes inspection; and ensure taxes are paid. None of these requirements explicitly require the participant to pay for them. In fact, Section 18 (A)(4)(n) specifically states the participant will “cooperate with and assist the Department in” these endeavors. The content of the RFP and subsequent contracts is outside of the scope of this rulemaking. There was no change as a result of this comment.



**101. Comment:** Commenter 41 stated, “We’re also concerned about the RFP and the rules for lacking any specification regarding the requirements about handling these payments, whether there will be interest accrued, to whom that interest would accrue what does a late payment constitute, because it says it has to be paid by the 15th of the month and ... if it’s paid on the 16th, is that a violation? Does it have to be postmarked by the 15th? There’s a lot of technicalities there that you’re dealing with you’re dealing with someone’s vehicle for their livelihood, and you’re also dealing with a very high value asset for the State of Maine and, you need to make sure that that is very clear as to how all of those payments are going to be accrued, and, if there’s any money in the fund left over upon program graduation, are those funds reimbursed to the individual or do they get retained by the, uh, agency?”

**Response:** The Department thanks you for your comment. Section 18(VII)(C)(2) does not mention interest, therefore no interest is assessed. Premiums are due by the 15<sup>th</sup> of each month, with exceptions detailed in Section 18(VII)(C)(2)(c)). One missed payment will result in an overpayment being assessed. The second missed payment will result in the participant needing to return the vehicle. There is no provision for premiums or down payments to be returned to participants or graduates. There was no change as a result of this comment.

**102. Comment:** Commenter 41 stated, “There is also a lack of timelines for the development of the polices and the computer system administration.”

**Response:** The Department thanks you for your comment. Such timelines are outside of the scope of this rulemaking. There was no change as a result of this comment.

**103. Comment:** Commenter 41 stated, “this program is to sunset, currently, on July 1 of 2022; It requires 24 months of payments but, yet, between the RFP getting started and then the contractor being able to come up um, the rules are very specific around the 24 months but the program, technically, could, probably, end when the payments have only been made for 18 months. So, at that point, how do you resolve the situation? Do they need to pay the balance of the payments to the state? Do they just keep the car with only 18 months’ worth of payments? It’s that resolution and the conflict between the timing of the contract, the number of payments that are required under the rules, and the day of sunset the statute is another problem that needs to be addressed legally, within and in light of the transfer of the titles etc.

**Response:** The Department thanks you for your comment. Please see the Response to Comment 95. There was no change as a result of this comment.

**104. Comment:** Commenter 41 stated, “We are, particularly, concerned, that there is no requirement, in the RFP, or any requirement, in the rules, that these vehicles be contracted and purchased from Maine’s new or used car dealerships.”

**Response:** The Department thanks you for your comment. While the Department expects vehicles to be obtained from Maine’s new or used car dealerships whenever possible, the Department has concerns that due to the fact that the program is entirely funded with federal funds, a specific prohibition on procurement of a vehicle from a non-Maine source

could lead to inefficiencies and possible violation of the Commerce Clause (U.S. Constitution Annotated Article I, Section VIII, Clause III). There was no change as a result of this comment.

- 105. Comment:** Commenter 41 stated, “We are concerned that there are no limits on the value or the types of cars that can be purchased and whether or not a donated vehicle that is a high value vehicle would be subject to being sold and then having those funds repurposed into the program to provide more vehicle access than just one individual vehicle.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 72. There was no change as a result of this comment.

- 106. Comment:** Commenter 41 stated, “The rules lack specifications around the provision of Drivers’ Ed and eligibility of newly licensed drivers in eligibility for vehicle access. We know that newly licensed drivers have provisional licenses and the reason is because they are more accident prone. They have a statistically higher average of accidents and, so, would there be limits on the timing of when they could access a vehicle under this program?”

**Response:** The Department thanks you for your comment. Section 18(V)(D)(2) specifies that participants granted vehicle access must be at least 21 years of age. Driver’s acquiring a license at this age are subject to the provisional period for only one year, as opposed to the two-year period for younger drivers (see 29-A M.R.S. §§ 2471 and 2472). While evidence shows that some of the increased risk of accidents is related to general inexperience, much is also attributed to the incompletely developed prefrontal cortex. The age and education provisions and background check of Section 18(V)(D) and the driving background review detailed at Section 18(VI)(C)(9) are designed to reduce the likelihood of a participant being involved in an accident. Even so, crashes may happen. Therefore, Section VII(A)(4)(h) and (k) provide requirements should such an eventuality occur. There was no change as a result of this comment.

- 107. Comment:** Commenter 41 stated, “There is, also, a lack of clarity, in the rules, regarding the consequences for violation of the commitments. For example, if someone repeatedly allows someone else to drive the vehicle, how many times is allowed before it is deemed sufficient to result in the disqualification of the participant? And, how is that going to be monitored? If it’s an intentional program violation if someone other than the participant is pulled over by law enforcement or in an accident while driving the vehicle.

**Response:** The Department thanks you for your comment. Please see the Response to Comment 17. Section 18 (VIII)(A)(2) is clear that termination of program participation will occur if the participant fails to comply with a provision in their Agreement. There is no allowance for multiple failures. Once will result in termination. There was no change as a result of this comment.

- 108. Comment:** Commenter 41 stated, “the RFP and the rules lack specifications for the handling of funds: the payments, the processing times, the posting to participant accounts ... how the payment processing requests will be handled, and whether the payments will be issued directly to the vendor, or the participant, and how will the participant be reimbursed

for costs that are initially paid out-of-pocket but then the expenses actually qualify for payment out of the accrued fund?

**Response:** The Department thanks you for your comment. Specifics around payment of supports are detailed in Section 14 of the regulations governing ASPIRE (10-144 Chapter 607) and are outside of the scope of this rulemaking. There was no change as a result of this comment.

- 109. Comment:** Commenter 41 stated, “The RFP ... the rules lack requirement for a system to track or monitor the vehicles to make sure they are not being used for unauthorized purposes.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 17. There was no change as a result of this comment.

- 110. Comment:** Commenter 41 stated, “The RFP staffing requirements lack any requirement for a person to oversee financial transactions, enter in track payments, and ensure on time payment of purchasing and bills. There’s nothing requiring any staff experienced in handling trust accounts or funds or escrow accounts or things of that nature as this program is setting up.

None of the RFP performance measures include accurate tracking, handling or management of the program assets, to include the vehicles and to include the participants’ money. And, none of the RFP performance measures ensure that the program is managed to ensure that the vehicles are provided in a way that maximize the resources, for examples, limits on the cost of vehicles purchased for the program, requirements that high value vehicles donated to the program are sold to reduce the cost of maintenance, or to purchase more than one vehicle. And, the RFP does not specify how the Department funds are to be handled, rather it asks the bidder to propose how it will handle the funds. And we have a serious concern about that. The Department should be specifying the minimum requirements to how its program funds are to be disbursed and managed and that should be done in the rules. It should not be left to the discretion of the contractor to propose and that should be incorporated, certainly, into ... how that disbursement of funds ... How those percentages are used and ... and how they’re used over time to meet the program targets should be part of the rules and, certainly, part of the contract.

**Response:** The Department thanks you for your comment. Please see the Response to Comment 107. The content of the RFP or subsequent contract(s) is outside of the scope of this rulemaking. There was no change as a result of this comment.

- 111. Comment:** Commenter 42 stated, “Delay or not this needs to end!”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 12. There was no change as a result of this comment.

- 112. Comment:** Commenter 43 stated, “Absolutely not. Increasing the tax burden on those who work and have to pay their own way, is just another path to keeping Maine a welfare state.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 6. There was no change as a result of this comment.

**113. Comment:** Commenter 44 stated, “I am submitting this to voice my concerns over the Working Cars for Working Families car buying program that is being considered. This plan is not good for Maine. There are simply too many problems with it. There are no values listed as to what the cars would be worth. In ha omg recently purchased a newer used car I know firsthand there isn’t much to be had for \$2700. At least nothing that is safe and reliable. Which means this program is operating on losses. There are no safeguards to prevent sale of the vehicle since the title is signed over after they e paid just \$300. There is also so safeguard to ensure they will continue to pay once the title has been signed over. With the amount of welfare abuse that happens in this state adding a program that all but grants permission to commit fraud makes no sense.”

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 32 and 70. There was no change as a result of this comment.

**114. Comment:** Commenter 45 stated, “This program should be completely scraped. Cars are luxury not a necessity. There are plenty of jobs for those who want to work. People who are on public assistant shouldn't live better than those of us paying for it!”

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 12 and 28. There was no change as a result of this comment.

**115. Comment:** Commenter 46 stated, “No to basically free cars for people who already receive assistance.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 12. There was no change as a result of this comment.

**116. Comment:** Commenter 47 stated, “There should be a provision to prohibit the sale of these vehicles for the profit of the owner. Perhaps any sale would have to go through the state for a period of two or three years with the profit from the sale returning to the program.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 32. There was no change as a result of this comment.

**117. Comment:** Commenter 48 stated, “\$6 million would be better spent on getting kids back to school this fall! And don’t even get me started on kids with autism who have been without services since the middle of March!”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 6. There was no change as a result of this comment.

**118. Comment:** Commenter 49 stated, “Please reconsider this plan, at a time when money is tight for the state and the USA as a whole. With money tight it seems like a really bad way to spend our money. It seems that there must be a better way to help people get to work, maybe we need to put a fraction of that money into a better public transportation system,

like public buses for larger cities. As a tax payer and hard working Mainer who pays for my own car, this is a slap in the face. We deserve a vote on whether this should happen or not.”

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 3, 15 and 66. There was no change as a result of this comment.

**119. Comment:** Commenter 50 stated, “Maine can not afford this right now. The governor is spending our tax payer dollars at an alarming rate.

**Response:** The Department thanks you for your comment. Please see the Response to Comment 6. The program is intended to remove barriers that prevent people from transitioning from being on public assistance to employment and self-support. There was no change as a result of this comment.

**120. Comment:** Commenter 50 stated, “I am petitioning for a hearing on this before it can be passed. Maine can not afford this program right now. Governor Mills is spending our hard earned tax payer money at an alarming rate especially considering we are still facing a pandemic and public health crisis.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 119. As a result of this and other requests for a public hearing, one was held August 10, 2020. There was no change to the rule as a result of this comment.

**121. Comment:** Commenter 51 stated, “I have lived in a few states but this is the first time I'm seeing such actions such as buying cars for anyone. This so wrong cause as an immigrant I walked from the train station in the rain and snow and I never looked for a handout. Now at a time when this state is having revenue issues to hear that the Mills administration is thinking of giving cars to some residents who are already collecting welfare at my expense as a tax paying citizen of Maine. I'm asking therefore that the plan of buying cars for welfare recipients be stopped in it's tracks. We the voters are watching and at my job people are very upset.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 119. There was no change as a result of this comment.

**122. Comment:** Commenter 52 stated, “III. Administration, C-3: ‘If funding is not sufficient to maintain current programming as provided...’ COMMENT: Will the cars be returned?”

**Response:** The Department thanks you for your comment. Section 18(III)(C)(3) specifies that services would be terminated in such a circumstance. Section 18(VII)(C)(3) specifies that the participant will only retain ownership of the vehicle after making the down payment and 24 monthly premium payments. If participation is terminated prior to all payments being made, the vehicle would need to be returned. Section 18(III)(C)(3) specifies that the participant would be given at least 14 days’ notice prior to termination, to allow the opportunity to secure the funds to complete the payments prior to termination and retain the vehicle if possible. There was no change as a result of this comment.

- 123. Comment:** Commenter 52 stated, “V. Basic Eligibility Criteria, D-3: ‘This demonstration includes completion of each of the following courses prior to vehicle delivery, if the Department provides them:  
i. Driver safety course (Maine Driving Dynamics);  
ii. Vehicle ownership orientation; and  
iii. Vehicle ownership course including financial preparation.’

COMMENT: I feel these courses are very important for this program to be a success. Will the Department be providing them and make them mandatory?”

**Response:** The Department thanks you for your comment. These or similar courses are available from a number of statewide providers. It is outside the Department’s mission and area of expertise to provide these courses. The provider contract and the individual Program Agreement will provide an increased level of detail and specificity. What is required for each individual is best addressed at the Program Agreement level and is outside of the scope of this rulemaking. There was no change as a result of this comment.

- 124. Comment:** Commenter 52 stated, “V. Basic Eligibility Criteria, D-4: ‘Not have been convicted of any of the following offenses, as determined by self-attestation and a background check’ COMMENT: Who will be paying for the background check?”

**Response:** The Department thanks you for your comment. The Department anticipates the contractor will conduct a background check, utilizing the Department’s background check program, or other methods, whichever is the most efficient. The details regarding the background check are outside the scope of this rulemaking and will be addressed in the vendor contract. There was no change as a result of this comment.

- 125. Comment:** Commenter 52 stated, “V. Basic Eligibility Criteria, D-5: (References payment(s)) COMMENT: Will the payments go back into the program?”

**Response:** The Department thanks you for your comment. Yes. Funding referenced within these rules remains in the program. There was no change as a result of this comment.

- 126. Comment:** Commenter 52 stated, “VII. Participation and Continued Eligibility Requirements, A-2: ‘Effect — The participant shall comply with the terms of their Agreement, and failure to do so may result in termination of enrollment’ COMMENT: Will they be required to return the vehicle?”

**Response:** The Department thanks you for your comment. Yes. Section 18(VII)(A)(4)(o) specifies that in such a circumstance they would need to return the vehicle. There was no change as a result of this comment.

- 127. Comment:** Commenter 52 stated, “VII. Participation and Continued Eligibility Requirements, A-4(b): ‘A commitment not to sell or trade the vehicle during Program participation’ COMMENT: Should there be a clause where they can not sell or trade the vehicle for 3-5 years or something similar?”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 32. There was no change as a result of this comment.

- 128. Comment:** Commenter 52 stated, “VII. Participation and Continued Eligibility Requirements, A-4(j, k, n) RE: routine maintenance, repairs, registration, insurance, state inspection, and taxes COMMENT: Who will be responsible for paying for the services?”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 100. There was no change as a result of this comment.

- 129. Comment:** Commenter 52 stated, “VII. Participation and Continued Eligibility Requirements, C-1: ‘The Department shall transfer title to all vehicles provided to program participants within thirty (30) calendar days of vehicle distribution.’ COMMENT: Definitely a concern! Should consider the State maintaining a lien on the title similar to a bank.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 27. There was no change as a result of this comment.

- 130. Comment:** Commenter 52 stated, “VII. Participation and Continued Eligibility Requirements, C-1(b)(i,ii,iii,iv) COMMENT: Who will be responsible for paying for the services?”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 100. There was no change as a result of this comment.

- 131. Comment:** Commenter 52 stated, “VII. Participation and Continued Eligibility Requirements, C-3: ‘Program Graduation’ COMMENT: Consider only transferring the title of the vehicle to the participant at Program Graduation.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 27. There was no change as a result of this comment.

- 132. Comment:** Commenter 53 stated, “You have so many people using these government assistance programs that any money coming into this state right now NEEDS to go back too the ALREADY working families in this state!! Tax payers are fed up with it!! We're all sick of paying ... close to the highest taxes in the nation as it is and governor Mills, i would ask you, some you want to throw away 6 million dollars to buy cars for people that don't really care to get up ... and get jobs”

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 6 and 12. There was no change as a result of this comment.

- 133. Comment:** Commenter 53 asked, “are any of these cats going to the immigrants you decided to bring into this state as soon as you was elected governor???” The commenter stated, “Not one ... car should be going to immigrants you brought here. If you insist this stupidity happens, there should be a "RULE" that you have to have lived in MAINE your ENTIRE LIFE!!! FROM BIRTH!!!”

**Response:** The Department thanks you for your comment. Title 22 M.R.S. § 3769-F specifies that the program be funded with federal TANF block grant funds accrued prior to fiscal year 2017-18. This funding limitation is reiterated within the rules at Section 18(II)(C). As such, the state cannot extend this program to individuals whose citizenship status makes them ineligible for federally funded TANF nor can it restrict anyone who is eligible for federally funded TANF from participating. The change is listed below in the List of Changes to Final Rule.

- 134. Comment:** Commenter 53 stated, “You've given enough of our money to who you think will vote for you. Enough is enough. Stop with the nonsense. Give back to the tax payers of this state for once. She's a greedy evil person and she's ruining the state of Maine. GIVE BACK THE MONEY YOU'VE STOLEN FROM THE CITIZENS OF THIS STATE!!!!”

**Response:** The Department thanks you for your comment. This comment is out of the scope of this rulemaking. There was no change as a result of this comment.

- 135. Comment:** Commenter 54 stated, “We recommend the following changes, which clarifies that the goal of the program is not just for participants to find any employment, but sustainable employment. This language also mirrors the language a 22 MRSA §3769-F which establishes the program.

- **SUMMARY:** This section describes the Working Cars for Working Families Program (referred to in this Section as “the Program”), which is created to provide transportation for low-income individuals to obtain and retain sustainable employment. This Section establishes the Program, sets out eligibility and ongoing participation criteria, and describes the application and decision-making processes.

**Response:** The Department thanks you for your comment. The definition of “sustainable employment” is outside of the scope of this rulemaking. There was no change as a result of this comment.

- 136. Comment:** Commenter 54 stated, “We recommend the following changes that reflects the language from § 3769-F.. We also note that this proposed rule would provide the Department with too much discretion to decide whether or not to provide an otherwise eligible person with a car. The rule should provide specific criteria that will be used in determining whether someone is eligible for assistance and the type of transportation for which they will be eligible. For example, what standards will apply in determining whether an applicant will qualify for a car, or will be told that they must rely on ridesharing with neighbors? Will child care drop off be considered? Will public health considerations like social distancing be considered?”

**Response:** The Department thanks you for your comment. The commenter correctly identified that the law, the rules, the provider contract, and individual Program Agreements each provide an increased level of detail and specificity. There was no change as a result of this comment.

- 137. Comment:** Commenter 54 stated, “Maine has among the highest rate of self-employment of any state and make up 10% of the workforce in Maine compared to 6% nationally. 1



Given the large number of low-income folks that are self-employed we believe that people who are self-employed should be eligible for this benefit to the same extent as other workers. Selfemployed individuals should be eligible for this program as they are for TANF, Alternative Aid, HOPE, PaS, Food Supplements and General Assistance. There is no reasonable rationale for excluding self-employment, as vehicles are just as necessary for people engaged in self-employment activities who must use a vehicle to procure supplies and deliver products and more. Thus, there is no rational basis to exclude this group of workers. As noted above, the governing statute requires that a person be eligible for the use of federal TANF funds without exclusion. An otherwise eligible self-employed person meets this test. The same applies for ‘earned income.’ which is defined in the TANF manual as including self-employment income. With this in mind, we offer the following changes:

- 1. For purpose of this Program, ‘sustainable employment’ is employment that leads or is reasonably expected to lead to a family ending its financial need for cash assistance, including TANF, PaS, and Alternative Aid. ~~‘Employment’ within the meaning of this Section does not include self-employment or any form of employment that involves a subsidy to the employer.~~
- 2. For purposes of this Program, ‘earned income’ is as defined in 10-144 C.M.R. Ch. 331 Introduction and Definitions, ~~and limited by Subsection III(B) of this Section.”~~

**Response:** The Department thanks you for your comment. The purpose of this program is to provide transportation solutions to solve barriers to employment, not to subsidize a business expense. A self-employed individual who can engage in their business without these supports may or may not qualify for them. Eligibility decisions will be made on a case by case basis, as defined in the rule. There was no change as a result of this comment.

- 138. Comment:** Commenter 54, With regard to Funding Contingencies, stated, “We believe the Department should abide by the same timely and adequate notice requirements that exist for other programs, including categorical denials, as is the case for all notices sent to TANF participants. Also similar to TANF and ASPIRE programs, the Department should abide by the requirement to give notice of the right to appeal a decision that would impact their eligibility for or amount of services, as well as how to appeal a decision before the Department makes such changes. In addition, the Department needs to develop specific procedures that it must follow to determine that there is insufficient money to continue with the program.” The commenter provided suggested language.

**Response:** The Department thanks you for your comment. The provisions for noticing at Section 18(III)(C)(4) are consistent with notice of adverse action for all OFI programs. The limitations on appeal at Section 18(III)(C)(5) are consistent with all agency programs. Appeals are available for decisions made on individual cases. No appeal is available if the decision is the result of circumstances beyond the Department’s control (such as changes to federal regulations or lack of funding). There was no change as a result of this comment.

- 139. Comment:** Commenter 54 stated, “As a matter of law and policy, we think this proposed rule leaves too much room for discretion for the Department and does not follow clear

criterion for eligibility, creating a chance of abusing discretion and violating an applicant's due process rights. If an applicant is found eligible according to the eligibility criteria and the resources are available, the Department should then provide them with a car. It is a matter of eligibility, not whether the Department deems that the participant is "appropriate" for the program. Further, the applicant always has the right to appeal. Thus, we urge the Department to make that clear in this section and everywhere else that the applicant can appeal 'if applicable.'" The Commenter provided suggested language.

**Response:** The Department thanks you for your comment. It is a gross overstatement of the intent of the law and the rules to say if someone is eligible, they should be provided with a car. 22 M.R.S. 3769-F does not state that cars will be provided to each participant. The law requires the Department to operate a program to provide long-term solutions to transportation. Appeal rights are detailed in Section 18(VIII)(B) there is no need to articulate each instance where they do apply. Such redundancy would diminish the readability of the rule. It is sufficient to detail those instances where these rights do not apply. They do apply to all other decision There was no change as a result of this comment.

- 140. Comment:** Commenter 54 stated, "Translated versions of uniform applications for the Program should be available upon the request of an applicant in order to comply with federal law and the Maine Human Rights Act." The Commenter provided suggested changes to the rule language.

**Response:** The Department thanks you for your comment. The Commenter points out that language access provisions are detailed in law already. As such, they are outside of the scope of this rulemaking. The Department has and will continue to comply with all applicable laws. There was no change as a result of this comment.

- 141. Comment:** Commenter 54 stated, "We recommend implementing language that provides the applicant with opportunity to explain circumstances that barred them from attending an assessment, and also to substitute 'appropriate' and 'suitability for the program' with 'eligibility' for the reasons described above." The Commenter provided suggested language.

**Response:** The Department thanks you for your comment. If an applicant does not participate in their assessment, the Department and the contracted vendor will be unable to determine eligibility. If they are denied services, they have a right to appeal as defined in Section 18(VIII)(B). ASPIRE policy defines "Good Cause," and that policy will extend to this program. There was no change as a result of this comment.

- 142. Comment:** Commenter 54 stated, "We echo the same sentiments as above regarding opportunity to prove good cause, and that the Department should not have discretion in providing anything less than what the applicant is eligible for and requests, as well as what is available under this program. If a transportation service available is not someone's first choice, yet they are eligible, that means they should have the chance to decide what they want to do before the Department issues a denial and forces the applicant to go navigate the process of filing an appeal." The Commenter provided suggested language.

**Response:** The Department thanks you for your comment. Please see the response to Comment 141. There was no change as a result of this comment.

- 143. Comment:** Commenter 54 stated, “We believe that the only proof of ‘transportation need’ that applicants should be required to provide is that the applicant would have improved access to sustainable employment or preparation for employment as a result of program participation. These proposed rules would require applicants to prove they could obtain or do currently have employment that consists of a 30-hour work-week at minimum. This is harmful because this does not have language requiring opportunity to show good cause for working less than that and ignores the fact that many people will in fact have good cause due to various reasons, including disability which would require reasonable accommodation by the Department pursuant to the Maine Human Rights Act.’ The Commenter provided suggested language.

**Response:** The Department thanks you for your comment. Eligibility for transportation support under this program will be determined on a case-by-case basis. The Department and the contracted provider will not discriminate against any party and will abide by all applicable State and federal laws. ASPIRE “Good Cause” policy (10-144 C.M.R. Ch. 307 § 4(III)) applies to this program. There was no change as a result of this comment.

- 144. Comment:** Commenter 54 stated, “The requirements under [Section 18(V)(B)(2)] should set out a clear deadline for the Department’s verification process.”

**Response:** The Department thanks you for your comment. Section 18(V)(B)(2) outlines ineligibility criteria: “Transportation Limitations. An applicant will be eligible for the Program only if they do not have access to sufficient transportation to maintain or obtain sustainable employment.” Individual circumstances will be determined at the point of intake and assessment and are outside the scope of this rulemaking. Section 18 (V)(E) states timely requirements for verifications. There was no change as a result of this comment.

- 145. Comment:** Commenter 54 stated, “Regarding [Section 18(V)(B)(2)(i)], it is not necessary to delay the benefit in order to check with agencies from states other than Maine where the applicant has lived. If the applicant is a Maine resident and needs a car to enable them sustain employment, then they are eligible and should be provided a car pursuant to state law. We recommend that the Department make the necessary verifications within 7 days.

**Response:** The Department thanks you for your comment. For all programs, the Department includes methods and systems that ensure program integrity and accessibility within the confines of State and federal laws and regulations. There was no change as a result of this comment.

- 146. Comment:** Commenter 54 stated, “[Section 18(V)(B)(2)(ii)] Provides that an applicant is not eligible if someone they live with has a running car and that other person’s work and childcare schedule does not conflict with the applicant’s. This assumes the applicant has the right to use someone else’s vehicle. The Department needs to verify with the applicant whether or not they have authority to use that car, and if they do not then the Department is obligated to provide a car under this program pursuant to state law. The Department may

perhaps verify whether the applicant has authority or not by seeking a self-attestation or the attestation of the car owner.

**Response:** The Department thanks you for your comment. The Department is not obligated by statute or regulation to provide a specific transportation support to an individual through this program. Individual eligibility and circumstances will be determined at the point of intake and assessment and will consider individual's specific circumstances and needs. There was no change as a result of this comment.

- 147. Comment:** Commenter 54 stated, “[Section 18(V)(B)(2)(iii)] is problematic because it fails to flag that public transportation needs to be reasonably accommodating for each applicant according to the MHRA. The provision should make it clear that public transportation in this context will only be considered an alternate resource if it is reasonably accommodating pursuant to the MHRA. The 1 hour time frame set out in this subsection, for example, should be removed because that long of a commute may be the reason why an individual is in need and applying for a car at the Department.

**Response:** The Department thanks you for your comment. Please see the Response to Comment 3. There was no change as a result of this comment.

- 148. Comment:** Commenter 54 stated, “[Section 18 (V)(C)(1)(a)] should include a provision saying that the subsection does not apply if the applicant had provided good cause for the sanctions or can provide good cause now. This is a legally obligated process and consideration that must be made before a participant is sanctioned from the ASPIRE program. See LD 1247. Therefore, when considering whether an applicant has been sanctioned from the ASPIRE program and basing ineligibility on that sanctioning, the Department should ensure that those ASPIRE sanctions were done legally through the good cause determination process.

**Response:** The Department thanks you for your comment. All relevant “Good Cause” (10-144 C.M.R. Ch. 607 § 4(III)) processes will be applied to this program. There was no change as a result of this comment.

- 149. Comment:** Commenter 54, regarding Section 18(V)(C)(2)(b) stated, “See comment for subsection 1(a)”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 148. There was no change as a result of this comment.

- 150. Comment:** Commenter 54 stated, “[Section 18(V)(C)(2)(d)]: This proposed rule provides that in order to be eligible for Working Cars for Working Families, an applicant that is a mandatory ASPIRE participant must have completed requirements for the previous three months or since the beginning of participation in the program without having claimed good cause. Does this mean that if someone claimed good cause in the previous three months and because of that did not meet the requirements of the ASPIRE program, they are disqualified from this program? If so, we disagree and think that Working Cars for Working Families should not exclude mandatory ASPIRE participants who have not successfully fulfilled ASPIRE requirements due to the fact that they had needed good

cause. To the extent that this is an erroneous interpretation of the proposed rule, and the Department agrees with the idea that good cause claimants cannot be excluded from this program, we think the language should be re- drafted to be clearer and ask for clarification. Good cause in an integral part of the ASPIRE program and if someone needed good cause while participating in that program that does not mean they should be disqualified from any program.

**Response:** The Department thanks you for your comment. The Department agrees that Good Cause is an intricate part of the ASPIRE program as a whole. This program is specifically for individuals who would obtain or retain sustainable employment except for transportation barriers. The program is intended to remove barriers that prevent people from transitioning from being on public assistance to being employed and self-supporting. If an individual has “Good Cause” not to engage in or seek employment, then the individual would not be in need of transportation assistance under this program. There was no change as a result of this comment.

- 151. Comment:** Commenter 54 stated, “[Section 18(V)(D)(4)]: The Department should shorten the time frame for having a OUI, DUI, or DWI conviction. 10 years is excessive, and seems arbitrary, as are the time frames set out in D. 4 (b) - (c). Furthermore, this provision is likely to have a discriminatory impact as it is well documented nationally and within our state that Black people and persons of color are arrested at much higher rates than their white counterparts. Not to mention the general fact that someone’s past does not determine who they are and where they are in life currently. Furthermore, it is our understanding that it is the vehicle owner who is responsible for insuring the vehicle under this program, not the Department, and the recipient would liable for any accidents. Therefore, it is enough the applicant proves their responsibility through case management services, assessments, and the course set out in subsection D (3). There is no reason that the Department should have this requirement or information about someone and section 4 should be removed, or the time frames for having a record without convictions should be shortened to the last 12 months and the category of convictions should only be for high level crimes such as intentional homicide or aggravated sexual assault. The Department should also mirror the model of 22 MRS 3104 (14), an affirmative Maine law prohibiting ineligibility determinations on the basis of drug-related felonies, and (15), which allows a determination of ineligibility for SNAP in cases where the applicant has had a conviction for a violent crime and sexual assault. The TANF statute states the same policy un 22 MRS 3762 (17). Moreover, when an applicant is found ineligible because of their criminal record, we recommend limiting the period of ineligibility for a period where the applicant may provide proof of successfully completing rehabilitative social services programs.

**Response:** The Department thanks you for your comment. A ten-year retrospective is not arbitrary, but is consistent with the majority of automobile insurance policies. The Department is seeking to ensure that any vehicle provided through this program will be used in the manner intended and will not be provided to an individual unfit for vehicle operation. The Department will ensure that this program will not disadvantage any individual based on past indiscretions. The rules ensure consistent standards in determining program eligibility. Any discrimination that may or may not take place in the enforcement of laws is outside of the scope of this rule. To the extent that they are not

enforcement of agency policies, they are outside of the scope of this rulemaking and the agency altogether. The references the commenter makes to ineligibility due to certain crimes are for general participation in assistance programs and are outside the scope of this rulemaking. The stipulations detailed here are related to crimes directly related to the support in question (specifically vehicle ownership and operation). There was no change as a result of this comment.

- 152. Comment:** Commenter 54 stated, “[Section 18(V)(D)(5)]: Considering the fact that the Program is to aid low income families and help them integrate into the workforce through sustainable employment, requiring three monthly premium payments without the offer of any extended pay periods or financial assistance would create major barriers for Maine’s most vulnerable population. Therefore, we recommend the changes above. Moreover, it is not clear whether a down payment and a car payment must be made in the same month. Given the limited income of eligible families we strongly recommend that these costs may not be charge in the same month, but rather that the first 3 months of payment be considered the down payment.

**Response:** The Department thanks you for your comment. As far as the changes recommended above, please see the responses to the comments above. Section 18(V)(D)(4) is clear that the down payment is a prerequisite to program participation. Section 18(VII)(C)(2) is clear that the premium payments are made to continue eligibility. As such, the down payments would precede the premium payments. There was no change as a result of this comment.

- 153. Comment:** Commenter 54, regarding Section 18(V)(E) stated, “The time period for responding to a request from the Department for verifying documents should be 12 days (10 days for notice and two days for mailing), which is the same amount of time the Department has to provide notices to TANF participants.”

**Response:** The Department thanks you for your comment. The ten-business day standard is longer than the standard twelve calendar day standard, as ten business days would include at least one weekend (and usually two). The Department does not intend to make these rules more restrictive than standard practice, and the proposed rules reflect that intent. There was no change as a result of this comment.

- 154. Comment:** Commenter 54 stated, “[Section 18(VI)(A)]: We flag again that the Department’s discretion in providing anything other than a working and reliable car should be limited. If a car is available and the client has demonstrated need and meets the eligibility criteria as set out in LD 1475. The Department should not be able to decide to offer anything different than a car under this program unless they show that resources are not available and/or the applicant makes an alternative request.

**Response:** The Department thanks you for your comment. LD 1475 was not passed by the Legislature, and thus not signed by the Governor. It is irrelevant to this program and this rulemaking. The rule specifies that the most effective and efficient method to achieve the goal of providing long-term transportation solutions will be used. There was no change as a result of this comment.

**155. Comment:** Commenter 54, regarding Section 18(VI)(B), stated, “The assessment scheduling should always be done in writing and a record of it should be provided to the applicant. It should always also be done verbally, not either/or.”

**Response:** The Department thanks you for your comment. Requiring written and verbal scheduling would result in unnecessary delays in supports. An applicant who can be reached by phone and have an appointment scheduled for the next day should not have their assessment delayed three or more days to wait for a written scheduling letter to be received by mail. Similarly, if someone cannot be reached by phone, the initial assessment appointment should be scheduled as quickly as postal noticing allows, not delayed until they can be reached. If the appointment in the written notice is at a time that does not work for the applicant, Section 18(VI)(B) allows for rescheduling within acceptable timeframes. There was no change as a result of this comment.

**156. Comment:** Commenter 54, regarding Section 18(VI)(B), stated, “The Department should notify the applicant verbally if they are eligible or not to provide for the applicant to ask any questions and be provided with a clear understanding of appeal right, followed with a written decision stating the applicant’s right to appeal.”

**Response:** The Department thanks you for your comment. Noticing details will be addressed in provider contract and are outside of the scope of this rulemaking. There was no change as a result of this comment.

**157. Comment:** Commenter 54, regarding Section 18(VI)(B), stated, “In person meetings should be subject to the needs of the applicant in order to comply with the MHRA reasonable accommodations provision.”

**Response:** The Department thanks you for your comment. The commenter, correctly, points out that the Department is subject to the Maine Human Rights Act. To reiterate those requirements here would be unnecessarily redundant. There was no change as a result of this comment.

**158. Comment:** Commenter 54, regarding Section 18(VI)(B), stated, “The Department should be required to inform the applicant at the assessment that they are eligible if they are indeed eligible.”

**Response:** The Department thanks you for your comment. The Department will seek to inform potential participants of their eligibility status as soon as possible. The 30-day window to render a decision on an application (See Section 18(IV)(D)) is consistent with other agency programs. There was no change as a result of this comment.

**159. Comment:** Commenter 54, regarding Section 18(VI)(B), stated, “The terms ‘if such a determination is appropriate’ and ‘the Department may begin providing Program services immediately, as appropriate’ are too ambiguous, imply discretion that is not allowable, and should be replaced with the terms ‘if the applicant is eligible’ and ‘the Department shall begin providing Program services immediately if the applicant is eligible.’”

**Response:** The Department thanks you for your comment. The language “If such a determination is appropriate, the Department and the applicant shall execute a Transportation Program Agreement at that time, and the Department may begin providing Program services immediately, as appropriate,” is clear that if the individual is eligible, the services will be issued. There was no change as a result of this comment.

**160. Comment:** Commenter 54, regarding Section 18(VI)(B), stated, “‘Transportation Program Agreement’ should be defined in the Definitions section.”

**Response:** The Department thanks you for your comment. A thorough description of the Program Agreement is provided in Section 18(VII)(A). There was no change as a result of this comment.

**161. Comment:** Commenter 54 stated, “[Section 18(VI)(C)]: The Department should add that the applicant will be notified of their right to show good cause for anything that is missing or any potential discrepancies that may result in the loss of benefits, additional charge, or other penalty.”

**Response:** The Department thanks you for your comment. Such items would likely pertain to Section 18(VI)(C)(10) “Any other matter that impacts the applicant’s Program eligibility or suitability for a service or set of services” and is covered explicitly in the decision noticing detailed in Section 18(IV)(D). All relevant “Good Cause” processes will be applied to this program. here was no change as a result of this comment.

**162. Comment:** Commenter 54 stated, “[Section 18(VII)(A)(2)]: As a matter of policy, and to be consistent with the administration of other public benefit programs for which this program’s applicants will be enrolled in, before terminating services the Department should implement a process that provides opportunity to claim good cause followed by a reasonable procedure for assessing the applicant’s good cause and circumstances.”

**Response:** The Department thanks you for your comment. Such matters are detailed in Section 4(III) of the ASPIRE manual. There was no change as a result of this comment.

**163. Comment:** Commenter 54 stated, “[Section 18(VII)(A)(3)(c)]: The Transportation Program Agreement should not require the applicant to commit to working 30 hours a week if they provide reason for not being able to do that, and in that case the Department should reasonably accommodate that applicant by decreasing the amount of hours required on a case by case basis.”

**Response:** The Department thanks you for your comment. This program is designed to provide access to sustainable employment when the barrier is transportation. To be eligible, an individual must have sustainable employment or reasonable assurance that sustainable employment can be secured within 30 days. There was no change as a result of this comment.

**164. Comment:** Commenter 54 stated, “Section 18(VII)(A)(3)(f): Instead of requiring a commitment to not engage in disruptive behavior, this rule should say ‘...to not engage in



disruptive behavior intentionally and to communicate with the Department if a mental health or other condition may cause disruption of the transportation services.”

**Response:** The Department thanks you for your comment. The commenter appears to be referencing accommodations required by the Americans with Disabilities Act. Such protections are already established through federal statute and reiterated in Section 2(IV)(B)(11) of the ASPIRE regulations. There was no change as a result of this comment.

- 165. Comment:** Commenter 54 stated, “Section 18(VII)(A)(4)(a)]: This rule should include childcare, shopping for necessities and medical care as well as work as primary uses of the vehicle.”

**Response:** The Department thanks you for your comment. This program is designed to provide access to sustainable employment when the barrier is transportation. Improper uses are defined at Section 18(VII)(A)(4) and include use by other members of the household, income-producing transportation services, violations of traffic or parking laws, operating under the influence, operating the vehicle in unsafe conditions or in need of repair, and using the vehicle for illegal activities. Other considerations may be permissible as long as the vehicle is primarily used for work commute. The proposed rules do include stops at childcare providers as part of the commute to work. (See Section 18(V)(B)(2)(b) – (d) and (VI)(C)(7)). There was no change as a result of this comment.

- 166. Comment:** Commenter 54 stated, “[Section 18(VII)(A)(4)(m)]: Again, the monthly premiums and payment plan should be tailored to what the applicant can afford.

**Response:** The Department thanks you for your comment. The monthly payments are tailored to what the household can afford. Section 18(VII)(C)(2)(a) specifies that they will be \$150 per month for households over 200 percent of the Federal Poverty Level and \$100 per month for those below. Since eligibility is contingent upon earning 30 times the state minimum wage per week (currently \$1,548 per month) such payments would be less than 10 percent of the household income. There was no change as a result of this comment.

- 167. Comment:** Commenter 54 stated, “[Section 18(VII)(A)(4)(o)]: This rule should be amended to say that a vehicle will only be taken away if the applicant fails to show good cause after a good faith process of assessing the applicant’s good cause and circumstances.

**Response:** The Department thanks you for your comment. Section 18(VIII)(B) specifies participants’ rights to dispute decisions including the reduction or termination of transportations services (which would include a requirement to return a vehicle). Further details on Good Cause are covered in Section 4(III) of the ASPIRE regulations and are outside of the scope of this rulemaking. There was no change as a result of this comment.

- 168. Comment:** Commenter 54 stated, “[Section 18(VII)(C)(2)]: See comment to subsection A. 4 (m). Rather than require \$100 monthly premium payment across the board, the Department should consider the fact that applicants are folks who are enrolled in PaS, TANF, etc. and have very low income. \$100 a month is a huge financial burden for these families. We suggest determining the payments on a case by case basis, specifically requiring a reasonable percentage of an applicant’s income, e.g. 3%. For example, a person

under 50% of poverty would have a \$0 premium given their low income. A person at 51% might contribute 2% of their income; a person at 100% might contribute 3%. This way the low income families who will be applying for the Program do not have to worsen their already vulnerable financial state in order to participate in Working Cars for Working Families.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 166. There was no change as a result of this comment.

- 169. Comment:** Commenter 54 stated, “Section 18(VII)(A)(2)]: For the same reasons regarding good cause above, this section should provide: ‘The participant fails to comply with a provision in their Agreement and after notice of good cause and opportunity to claim of good cause the participant is still found ineligible.’”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 167. There was no change as a result of this comment.

- 170. Comment:** Commenter 54 stated, “[Section 18(VIII)(A)(2)(b)]: This section should include ‘other good cause’ along with noncompliance due to mental illness or health condition. Additionally, noncompliance due to a disability or other form of good cause may last more than two weeks and it could still not be the participant’s fault. A requirement that the noncompliance be no longer than two weeks even under such circumstances is discriminatory and contradicts the Department’s legal duty to be reasonably accommodating. Therefore, the two-week language should be removed and no similar language should replace it.”

**Response:** The Department thanks you for your comment. Section 18(VIII)(B) specifies participants’ rights to dispute decisions including the reduction or termination of transportations services (which would include a requirement to return a vehicle). Further details on Good Cause are covered in Section 4(III) of the ASPIRE regulations and are outside of the scope of this rulemaking. This program is designed to provide access to sustainable employment when the barrier is transportation. To be eligible, an individual must have sustainable employment or reasonable assurance that sustainable employment can be secured within 30 days. There was no change as a result of this comment.

- 171. Comment:** Commenter 54 stated, “[Section 18(VIII)(B)]: It should be made clear in this paragraph that the list of reasons set out for appealing is not exhaustive and that the participant always has the right to appeal. Whether or not there was indeed a right to appeal may be disputed after that appeal is made, but participants need to be informed that they can always appeal any final decision or action taken by the Department.”

**Response:** The Department thanks you for your comment. Section 18(VIII)(B) states appeal rights apply to an application decision or a program decision. There was no change as a result of this comment.

- 172. Comment:** Commenter 54 stated, “[Section 18(VIII)(B)(1)]: The last sentence in this subsection would limit the participant’s right have their benefits continued pending timely appeal by stating that the participants if they violate their Agreement. This is contrary to

the rules of due process and Administrative Hearings, and is an arbitrary rule just now being proposed by the Department. The participant always has the right request a hearing, and if done so within the specific time frame the participant's benefits must continue. Therefore, this last sentence should be taken out." The commenter provided suggested language.

**Response:** The Department thanks you for your comment. Nothing in statute requires the continuation of benefits for this program pending a hearing. In the case of a participant likely needing to return a high value asset, it would be imprudent to allow them to retain said asset pending the hearing outcome. There was no change as a result of this comment.

- 173. Comment:** Commenter 54 stated, "The Working Cars for Working Families Program was established because transportation is one of the top three barriers to employment for parents with low income"

**Response:** The Department thanks you for your comment. There was no change as a result of this comment.

- 174. Comment:** Commenter 54 stated, "[T]hese cars are not free. I want to make that clear." The commenter, further stated, "[T]his program does not provide people with free cars. Participants must pay three-months-worth of premium payments as a non-waivable down payment in no more than three installments. They, then, must pay 24-months-worth of premium payments before they can even have title transferred to them. Participants, also, will pay for maintenance costs and, insurance, registration, inspections, and all applicable taxes. If they miss one payment, they are issued an overpayment according to the proposed rules, and if they miss two, the participant has to return the vehicle. The Department also has to make a preliminary determination that the participant would be able to cover all of these expenses."

**Response:** The Department thanks you for your comment. There was no change suggested in the comment. There was no change as a result of this comment.

- 175. Comment:** Commenter 54 stated, "[P]articipants may not sell cars for profit under this program." The Commenter further stated, "[I]t is not true that ... the participants would be able to sell these cars for profit. According to the rules, ... the Department should pursue an intentional program violation when a participant has sold or traded the vehicle, during the program participation, without prior authorization. In fact, the seller would have to pay back a cost equal to the car's value at the time it was provided, and intentional program violations can involve criminal prosecution for fraud depending on the facts of the case."

**Response:** The Department thanks you for your comment. There was no change suggested in the comment.

- 176. Comment:** Commenter 54 stated, "[P]rograms, like Working Cars for Working Families, in other states, have helped people get and maintain employment. Our legislators worked with an organization called Good Wheels Garage in developing this program. Which runs similar programs in New Hampshire, Vermont, and Massachusetts. According to a survey of the program participants in those states, in Vermont, for example, 51% of those surveyed

reported a decrease in their reliance on Public Assistance due to ... receiving the vehicle, and 60% attributed achieving employment to receiving a vehicle.”

**Response:** The Department thanks you for your comment. There was no change as a result of this comment.

- 177. Comment:** Commenter 54 stated, “[T]his program is established in law and it is not optional. In fact, it was passed by the legislature and signed into law by Governor LePage in 2017. State Statute specified that rules be adopted in the 2017-18 state fiscal year. Obstruction and delay by Governor LePage meant that Governor Mills would need to take up rulemaking that should have happened years earlier.”

**Response:** The Department thanks you for your comment. There was no change as a result of this comment.

- 178. Comment:** Commenter 54 stated, “[O]verall, Working Cars for Working Families would disproportionately assist Mainers in rural areas who lack economic security in large part due to lack of transportation resources, and, from our experience working with families in poverty, lack of consistent and affordable transportation is one of the top three barriers to employment. Make that clear again. With reliable transportation, parents can— get to work more consistently, work more hours, and earn higher wages. It can improve their family’s wellbeing and reduce their need for Public Assistance. And, we know this from the examples that I cited above in different states.”

**Response:** The Department thanks you for your comment. There was no change as a result of this comment.

- 179. Comment:** Commenter 55 stated, “Identify a compelling governmental purpose. Then identify a narrowly defined Solution.

If I were to use that statement to assess what I've now heard is a \$6M plan for free cars to people on welfare, would that policy pass this litmus test?

One could say, sure it serves a purpose to provide an underserved group a means to transportation other than Linx or other methods that might be uncomfortable etc. And the solution is free cars. One could also say it takes nature totally out of the equation where the basics of working to receive are completely removed and moves to undermine all future considerations for the recipient as it pertains to their right to feeling the reward of earning something, a natural and necessary experience.

I believe policy like this directly serves to undermine our state's ability to develop a broad self sustaining population and the education system we fund so aggressively which in spite of the immense funding still requires considerable effort and ongoing hard work that each person must put forth in order for that education to bear fruit for them personally - the existence of the education system does not educated citizens make as they say. As we have proven by our own state's #'s and budget, education does not equal a move out of poverty. With each step toward total support for people in need they become more dependent. As they are given more, the majority of people will become more and more unmotivated to

learn and then work and correspondingly more dependent on receiving. Most definitely the children of those in that system. It all but guarantees and ensures a perpetual welfare class living without a sense of individuality, purpose and hope to take care of themselves. They'll never know it because they'll be nurtured into the mindset of support.

That said, I totally believe in helping disabled for life, and very deeply, supportive welfare recovery programs. In fact I believe all forms should continue for 3 years after someone receives a job (doesn't currently) and not cut off immediately upon a monthly income trigger, which then leaves that person in an immediate financial crisis. I have had a sister and step sister in these situations. they'd get a job, lose support and would immediately be in trouble financially and spiritually. I've seen them cry, feel helpless etc. I get it Governor I really do. You can't be from Machias and not get it as it's all around you growing up. I see people I know through my children who struggle daily. I believe we need to give them a strong foundation financially before they are cut from support. Goodness knows in my own personal journey of recovery from alcoholism, I needed a strong foundation from which to build my life. 3 years of support after getting a job would be a huge step toward securing that foundation. And preferably a life coach meeting with you monthly throughout that period. We can develop that program. It would work.

Governor, why wouldn't be build on my idea above and direct \$6M to fund a training / education program and align it with employers short of employees as many are today. Or use it to attract a business thinking about Maine, or a business thinking about expanding. Give out Uber credits if Linx is not a fit and so on. And on top of that why not modify our current programs to extend for 3 years from the date someone returns to full employment? Given them cars will only make them more dependent and will shift them further away from that beautiful life experience derived from the sense of having worked hard and then acquired something - like a car. This takes away the potential for them to experience that sense of earning and achievement which ultimately builds their confidence and self worth. They deserve to be treated like people who are capable and interested in taking care of themselves, not like people who we assume can't and never will.

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 3, and 28. The proposed rules seek to strike a balance between creating a program that is specific to addressing a particular need while addressing a state-wide issue preventing eligible workers from obtaining employment. The Commenter provided several alternative ways to spend the money allocated to this program. The Department offers a number of programs that seek to address the commenter's concerns. There was no change as a result of this comment.

- 180. Comment:** Commenter 56 stated, "I want to go on record that I do not approve of the proposed rule for cars for working families. I am all for helping those that need it, but there has to be other (better) things this grant money could be used for. The assistance is not just gonna stop at helping pay for a car. There is going to be insurance expenses. The car is going to breakdown. They are going to need money to register the car. It's just opening up a whole new can of worms and a lot more (unnecessary) added cost for taxpayers."

**Response:** The Department thanks you for your comment. Please see the Response to Comment 1. There was no change as a result of this comment.

**181. Comment:** Commenter 57 asked, “What process will be used in selecting a vehicle for qualified applicants?”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 72. There was no change as a result of this comment.

**182. Comment:** Commenter 57 asked, “Is there a cap on how much can be spent per vehicle?”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 72. There was no change as a result of this comment.

**183. Comment:** Commenter 57 stated, “The proposed rule(s) seem to be very well written and have the necessary checks in place to minimize fraud or misuse of the program. This may be the connecting link between staying in poverty and learning to provide for themselves.”

**Response:** The Department thanks you for your comment. There was no change as a result of this comment.

**184. Comment:** Commenter 58 stated, “This is the most ridiculous proposal that I have seen coming from the Governor of the State of Maine. We have thousands and thousands of working poor, who are not receiving any State aid, and yet the Governor wants to give vehicles to welfare recipients??? You've got to be kidding me!!!! There are members of my own family who work 40-50 hours a week just to try and make ends meet, and they struggle getting to work EVERY DAY because they drive vehicles that are on their last legs. They struggle every day to pay their bills and not go totally under financially. WHY is the State of Maine not helping those who are TRYING and WORKING their butts off to make ends meet, and instead are giving handouts to those on welfare who, at least some of them, don't even search for jobs, and could care less if they bring home a paycheck? As long as the Governor continues to give them handouts, at the expense of ALL of the legitimate tax payers in the State of Maine, these individuals will have ABSOLUTELY NO INCENTIVE to get a job and help contribute to Maine's tax base. I am ENRAGED at this proposal and can only hope that the residents of the State of Maine can stop this LUNACY.”

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 1, 6, and 28. There was no change as a result of this comment.

**185. Comment:** Commenter 59 stated, “This is not a program that is needed, especially at this time when many Maine businesses are shutting their doors forever due to Governor Mills' arbitrary mandates and misuse of power. Maine tax payers are hurting. We are barely making ends meet, and now Gov. Mills wants to give away cars to people who give nothing back to the STATE? Another sign of total lack of respect for the hard-working citizens of Maine. If people who are receiving welfare are not able to volunteer their time to help their community, then why do you think they will be responsible and take care of a car that they didn't earn? This is a program that is purely a pet-project, partisan misuse of

power. Put it to a vote by the people and see how fast it gets shot down. Don't kick Maine people while they are done. Don't waste our money on this poorly planned program.”

**Response:** The Department thanks you for your comment. Please see the Response to Comments 1, 6 and 28. There was no change as a result of this comment.

**186. Comment:** Commenter 60 stated, “I am in support of this program. Newer cars have fewer emissions and are safer in the event of an accident, which will save lives and livelihoods as well as money. I have seen low income friends struggle to get to work due to unreliable vehicles and believe that working vehicles will be an asset to any low-income Maine family.”

**Response:** The Department thanks you for your comment. There was no change as a result of this comment.

**187. Comment:** Commenter 61 stated, “I fully support covering downpayments for cars to assist people in need to get new vehicles. It is better to remove old and malfunctioning vehicles from the roads from both safety and environmental standpoints. It is also clearly beneficial to families, workplaces, and the economy to make it possible for members of our communities to go to jobs and appointments.

**Response:** The Department thanks you for your comment. There was no change as a result of this comment.

**188. Comment:** Commenter 62 stated, “This is a ridiculous idea, with tax money that should be better spent on other issues! This is NOT fair to the hardworking people in this State Of Maine who have to get up every day, work hours of overtime to pay taxes already! We work hard to have a home, pay for our transportation to get to work, pay for child care, pay for health and auto insurance, pay gas taxes, food taxes, death taxes, property taxes, and Janet Mills and those who work with her want to basically just give a car to people on welfare?? This is very wrong and very mixed up. What does this tell those people who actually WORK for what they need? If people on welfare need to get to work, let them carpool, take a bus, or ride a bicycle. Other people do it a ll the time! Why are people on welfare getting a privilege such as this. I want to know and so do thousands of other people!!”

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 3, 6 and 28. There was no change as a result of this comment.

**189. Comment:** Commenter 63 stated, “If someone is going to get a nice, newer vehicle, then they should have to make a payment every month for 4 years or so, you know like everyone else who takes a loan out.”

**Response:** The Department thanks you for your comment. The rule dictates that participants will make monthly payments through the duration of program participation of 24 months. The duration of the program payments strikes an appropriate balance for program administration resources while ensuring participant commitment. There was no change as a result of this comment.

**190 Comment:** Commenter 63 stated, “They should be responsible for excise taxes, maintenance etc.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 33. There was no change as a result of this comment.

**191. Comment:** Commenter 63 stated, “People who are on welfare shouldn’t be given something like this and then turn around and sell it and pocket the money and just receive a slap on the wrist. Obviously, there is an abundance of corruption in the welfare program by the participants, let’s not give them more freebies and allow them s chance to make money off of it. Let’s use some common sense here”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 32. There was no change as a result of this comment.

**192. Comment:** Commenter 64 stated, “This is an absolutely horrible idea. Maine is full of hard working families, veterans and senior citizens that pay taxes. Taxes that could be spent on roads, law enforcement, education and care for our veterans, seniors and disabled. Taxes that should not be used to purchase vehicles for able bodied people, when many of Maine’s hardworking tax payers cannot afford A decent vehicle of their own. People are living paycheck to paycheck in this state and to essentially reward people who are on PUBLIC ASSISTANCE already is wrong and will further encourage others to join in the ranks. You will be sending out a beacon to many who will simply take advantage of the taxpayers of Maine. Taxpayers work to be able to affo rd a vehicle. Want is a large motivator for people..if you WANT a new vehicle you WORK HARD to get it. Able bodied people can and should work and save to purchase a vehicle or finance one on their own. This only benefits a portion of Maine residents, but costs us all. To put this in place would be nothing short of disgraceful.”

**Response:** The Department thanks you for your comment. Please See the Responses to Comments 6 and 28. There was no change as a result of this comment.

**193. Comment:** Commenter 65 stated, “As a Maine tax payer I do NOT support this program. Too many people already fraudulently abuse our welfare system and this, in my opinion, will only increase the fraud and waste and make matters worse. Not a good use of tax payer money.”

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 6 and 17. There was no change as a result of this comment.

**194. Comment:** Commenter 66 asked, “How are these cars being paid for?” The Commenter stated, “I work and earn above welfare income limits, but I can’t afford a car that falls into these guidelines. Mine is a 2015 but over that mileage and I’m paying almost 400 dollars a month for it. This program is unsustainable. I completely disagree with instituting it.”

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 3, 6 and 28. There was no change as a result of this comment.



**195. Comment:** Commenter 67 stated, “This program is absurd. New or used cars, 2015 or newer, under 70k miles, and with 25mpg minimum. We are a 2 income household and we can't afford those requirements. Our vehicles both have over 250k miles on them! Your going to be giving nice cars away to people working the system. Believe me, they are out there. There are people working "Just enough" to be eligible for this stuff! It kills me that my tax dollars will be wasted on this!” The Commenter, further, stated, “Make the cars plain jane bare bone models. No frills. There should be a line on what can be available for this program.”

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 12 and 70. There was no change as a result of this comment.

**196. Comment:** Commenter 67 stated, “You need to have a way to track if people sell these vehicles, and if they do, recover any money made off of them. You know dang well people will be doing this and forging the bill of sales! Need a way to hold them accountable.”

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 17 and 32. There was no change as a result of this comment.

**197. Comment:** Commenter 67 stated, “I'm 100% against this program as it is currently stated. They need to pay more than \$2700 for what is obviously a \$12k plus vehicle, if not more!”

**Response:** The Department thanks you for your comment. Section 18(VII)(C)(2)(a) specifies that premiums will be \$150 per month for households over 200% of the Federal Poverty Level and \$100 per month for those below. The three months down payment and 24 months premium payment would total between \$2,700 and \$4,050. Eligibility is contingent upon earning 30 times the state minimum wage per week (currently \$1,548 per month) and having household earnings below 250% of the Federal Poverty Level (currently \$5,459 per month for a family of 4). Hence, the monthly payment could be anywhere from 2.5 to 10 percent of the family's monthly income. State limitation on who is eligible for this program, in 22 M.R.S. 3769-F, and statutory limitations on how TANF Block Grant funds can be spent (5 M.R.S. § 1053-B), restrict the Department from providing these supports to any family with income in excess of 250% of the Federal Poverty Level There was no change as a result of this comment.

**198. Comment:** Commenter 68 stated, “This is so unfair to taxpayers! This state can't afford to keep giving and giving. I object loudly to this concept. Stop enabling people to be on government assistance! This will also bring in more people from other states. Get real! So disappointed in Maine's government right now!”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 6. There was no change as a result of this comment.

**199. Comment:** Commenter 69 stated, “I am very opposed to this Rule; providing cars for welfare recipients. We are not a wealthy State and can not afford additional expense. People who work can afford a vehicle and as their wages improve they can afford a better vehicle.

Most of us in Maine have always worked and even into an old age continue to work so we can have the things we need. Why should we keep working to hand out more to those who do not? I'd rather see money go to elderly who struggle every month to eat and keep warm. Do not let this pass!!"

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 4, 6, and 28. Some Maine families are unable to attain or retain sustainable employment due to transportation barriers. This program seeks to eliminate barriers so that participants can obtain and retain employment. There was no change as a result of this comment.

**200. Comment:** Commenter 70 stated, "In these troubling financial times these types of Social programs must not be enacted."

**Response:** The Department thanks you for your comment. Please see the Response to Comment 12. There was no change as a result of this comment.

**201. Comment:** Commenter 71 asked, "Who is going to track this?" The Commenter stated, "People will get jobs, get their cars and quit shortly after The state can't keep track of what's going on now

Let's invite folks from out of state to participate in this and then go back home

Come on people!"

**Response:** Please see the Response to Comment 17. There was no change as a result of this comment.

**202. Comment:** Commenter 72 stated, "This is a bad idea even for a state that can afford it"

**Response:** The Department thanks you for your comment. Please see the Response to Comment 12. There was no change as a result of this comment.

**203. Comment:** Commenter 73 stated, "I STRONGLY disapprove of this proposed rule. Those of us who have worked very hard all of our adult lives should absolutely not pay taxes to fund this plan. It is ridiculous to provide this type of welfare so they can then turnaround and spend their paychecks on drugs, cigarettes and booze."

**Response:** The Department thanks you for your comment. Please see the Response to Comment 6. There was no change as a result of this comment.

**204. Comment:** Commenter 74 stated, "I am a tax paying citizen who has worked hard all my life paying my debts including my car payments to I can go to work every day. My husband has done the same since we were 15 years old. This is outrageous to squander tax paying money giving people on the state cars, that are 2015 to 2020 model cars FREE. You keep giving them everything the people on the state aid will not work towards getting off assistance. It is not my job as a citizen to work for their cars . This should have gone to vote by the people in the state of Maine. This is a solid I DO NOT APPROVE! This is

wrong. My taxes from my business and my other job that I have to pay my debts should not support this bill.”

**Response:** The Department thanks you for your comment. The Department thanks you for your comment. Please see the Responses to Comments 6 and 28. The program is intended to remove barriers that prevent people from transitioning from being on public assistance to being employed and self-supporting. There was no change as a result of this comment.

**205. Comment:** Commenter 75 stated, “This is absurd! I work my butt off and don't get or want handouts. I don't want my tax money going to this program. No way!”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 6. There was no change as a result of this comment.

**206. Comment:** Commenter 76 asked, “Is she crazy ? Honestly !”

**Response:** The Department thanks you for your comment. There was no change suggested in the comment. There was no change as a result of this comment.

**207. Comment:** Commenter 77 stated, “This program sets a new precedent. Taxpayers should not be buying cars for people. I request a reconsideration of this program.”

**Response:** The Department thanks you for your comment. 22 M.R.S. § 3769-F requires the Department to adopt rules establishing this program. Any reconsideration of establishing the program would need require action by the Legislature and is outside of the scope of this rulemaking. There was no change as a result of this comment.

**208. Comment:** Commenter 78 stated, “In a time when the state is/has been shut down, businesses are closing and jobs are being lost, I don't think spending more money is the wisest idea this state government has had. We were forced to shut down businesses and do what we could while waiting for promised unemployment funds. DURING THE SHUT DOWN,WE SAW MANY BUSINESSES SHOW THEY COULD WORK FROM HOME. Why is the state looking to increase MY TAXES for this lame feel good idea? STOP SPENDING LIKE A DRUNK FOOL.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 6. There was no change as a result of this comment.

**209. Comment:** Commenter 79 stated, “This proposed rule is an unnecessary burden to taxpayers and blatant attempt by the Mills administration to buy votes. The proposed rule as written would be a huge administrative burden to implement & is totally flawed. For instance, I see nothing that would prevent a recipient from submitting a pleading application of need and then quit their job after meeting the 30 day requirement. No way for the state to track their active job status. It is an insult to hard working Mainers.”

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 3, 6 and 28. Section 18(VII)(A)(1) specifies that suitability of services needs to be reevaluated every six months or any time there is a change in employment or

transportation circumstances. The administration of the program will be conducted through a contractor, with rigorous Department oversight, funded by the afore mentioned federal TANF Block Grant funds. If the participant fails to report a job quit, that information will be obtained at the six-month review. Section 18(VIII)(A) specifies that if there is a job quit and/or fail to report a reduction in hours or earnings their participation will be terminated. If the participant is also participating in ASPIRE, a job quit is deemed as a sanctionable act. Section 18(VII)(A)(4)(o) specifies that in such a circumstance the individual will be required to return the vehicle and transfer the title back to the Department. There was no change as a result of this comment.

- 210. Comment:** Commenter 80 stated, “We shouldn’t be buying cars for anybody ,the working people have enough on our plates now.so many people are out of work now that the governor is keeping us on lock down for no reason. Some of the people can’t afford to buy cars or pay insurance for themselves ,but are forced to pay for the welfare people to have them not right. Were are our representatives time to come out of hiding and do your JOB .”

**Response:** The Department thanks you for your comment. There was no change as a result of this comment.

- 211. Comment:** Commenter 81 stated, “I am strongly against this program. It is a miss management of tax payers money. I have seen first hand how giving a car to someone who didn't work to pay for it turns out.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 12. There was no change as a result of this comment.

- 212. Comment:** Commenter 82 stated an issue with the program is there is no mention of any verification of the employment situation other than the submission of the application.

**Response:** The Department thanks you for your comment. Section 18(IV)(C) specifies that verifications will be required prior to enrollment and the consequences for not providing them. Paragraph E of the same subsection specifies that verification will be required for any factor impacting eligibility. Employment would be such a factor. Section 18(VII)(B) specifies that program eligibility will be reviewed annually, and new verifications requested. There was no change as a result of this comment.

- 213. Comment:** Commenter 82 asked, “Who is responsible for the verification of the statement of the inspection mechanic when verifying the condition of the vehicle that is in the family for reliability?”

**Response:** The Department thanks you for your comment. Section 18(VI)(E) specifies that if these verifications are not received within 10 business days, the applicant will be denied. Since it is in the interest of the applicant that the Department receive the verifications, the responsibility will rest with the applicant. There was no change as a result of this comment.

- 214. Comment:** Commenter 82 stated “No mention of drug testing is an issue with the program”.

**Response:** The Department thanks you for your comment. Due to P.L. 2019, ch 343, the Department is not able to require drug testing as a condition to receive TANF assistance. There was no change as a result of this comment.

**215. Comment:** Commenter 82 stated, “The title should not be presented to the recipient prior to the fulfillment of their commitment. By doing so you are transferring ownership and there would be a legal question of who owns the vehicle.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 27. There was no change as a result of this comment.

**216. Comment:** Commenter 82 asked, “Who will monitor the maintenance and safety of the vehicle?”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 17. There was no change as a result of this comment.

**217. Comment:** Commenter 82 asked, “Who is liable for repairs not covered by the warranty?”

**Response:** The Department thanks you for your comment. Section 18(VII)(4)(k) specifies that the participant will not operate the vehicle when it is in need of repair and requires that they report the need and cooperate with the Department in arranging for the repairs. Further detail is the purview of the provider contract and individual participant Program Agreements. There was no change as a result of this comment.

**218. Comment:** Commenter 82 asked, “Is the lemon law in effect for these vehicles?”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 80. There was no change as a result of this comment.

**219. Comment:** Commenter 83 stated, “Where does this end? Free food , heat, housing , phones , and now nice cars. I for one am tired of working my tail off to achieve my dreams only to lose money to people who abuse the system. There is a place for helping others but phones and cars are privileges not essential. You are reaching a point where the hard working people of Maine are going to simply stop paying you and stand up for our rights. We offer too many freebies in this state as it is that attracts nothing but more non workers to come here for a free ride. If you want to spend some money here how about hiring some people to start enforcing and policing these programs to get rid of the abusers.”

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 6, 17, and 28. Section 18 Subsections V(D)(5), and VII(C)(2)-(3) specify that participants will need to pay a down payment and monthly premiums for program vehicles. The program is intended to remove barriers that prevent people from transitioning from being on public assistance to being employed and self-supporting. There was no change as a result of this comment.

**220. Comment:** Commenter 84 asked, “Are you ... kidding me right now?” The Commenter stated, “This is absolutely ridiculous.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 12. There was no change as a result of this comment.

**221. Comment:** Commenter 85 stated, “I do not understand why this is even open for discussion? My wife and I drive older cars than this and pay a lot more more money monthly than this will even come close to. We pay our taxes and still have to pay more. From what I read this is a done deal and no matter what ANYBODY says it will be put into law and no one will ever honestly get a say. Sad really!!! But this is what Maine as a Government has become. Time to move on I believe.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 6. There was no change as a result of this comment.

**222. Comment:** Commenter 86 stated, “Maine can't afford this, and why should welfare recipients have new vehicles when many Mainers live day to day with vehicles older than this. There are already transportation option out there in most Maine cities. This is bad for Maine, we can't afford it, and it will only hurt Mainers. Please vote against this colossal waste of money.”

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 3, 6, and 28. Individuals will not be eligible for this program unless transportation is not available to them and that lack is a barrier to obtaining or maintaining employment. (See Section 18(V)(B)(2)(c).) While some Maine cities have public transportation option, the majority of Maine’s population lives in rural areas<sup>2</sup>. There was no change as a result of this comment.

**223. Comment:** Commenter 87 stated, “I do not support ASPIRE Rule #25P – Working Cars for Working Families. Please stop this program. There are so many issues and I don't believe there is ever z good time... but especially not now. As a Maine citizen I do not support.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 12. There was no change as a result of this comment.

**224. Comment:** Commenter 88 stated, “I DO NOT SUPPORT Aspire Rule #25P Working Cars for Working Families! Taxpayers of Maine have paid for various public transportation services and upgrades over the years and now you expect us to buy people cars?!? This is fraud, waste, and abuse of taxpayer funds and DHHS services!!! I have ZERO confidence in the Mills’ administration and I am 100% AGAINST Aspire Rule #25P Working Cars for Working Families!!!!”

**Response:** The Department thanks you for your comment. P.L. 2017, c. 284, the law establishing this program, was passed by the 128<sup>th</sup> Maine legislature and signed into law by, then, Governor Paul LePage in July of 2017. The program does not provide vehicles to all program participants. Section 18 Subsections V(D)(5), and VII(C)(2)-(3) specify that participants will need to pay a down payment and monthly premiums for the vehicles. In

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<sup>2</sup> <https://www.maine.gov/dhhs/mecdc/healthy-maine/documents/oppforall/b09res.pdf> page 59.

cases where other long-term solutions to transportation barriers to sustainable employment are more effective or efficient, they will be provided instead. (See Section 18(III)(A).) There was no change as a result of this comment.

- 225. Comment:** Commenter 89 stated, “I AM A DEMOCRAT. I DO NOT SUPPORT GIVING CARS TO PEOPLE FOR JUST ABOUT NOTHING. AS A SELECTMAN THAT DEALS WITH THE GENERAL ASSISTANCE PROGRAM I SEE A LOT OF FRAUD. I HAVE WORKED 2 JOBS FOR EVERYTHING I HAVE AS MANY PEOPLE DO AND BELIEVE OUR TAX DOLLARS WOULD BE MORE EFFECTIVE AND APPRECIATED ELSEWHERE. I AM WILLING TO ADDRESS THIS FURTHER IF SOMEONE WOULD LIKE TO CALL ME. THANK YOU”

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 12 and 28. There was no change as a result of this comment.

- 226. Comment:** Commenter 90 stated, “I disagree totally with this program as it is just another way to allow people to take advantage of free things from Maine. There is no accountability at the end either. The vehicle no matter the value is given after a certain amount of monthly payments. The payments are used to maintain the vehicle so it is free. Children will be allowed to drive and then the promise of ‘Of course I won’t drink and drive’, etc. The tax payers are funding this like all the other free things people sign up for in Maine. I listened to some of the comments on line and they all have valid points but this never should have been put forth in the first place. We are being forced to endure a pandemic and monies are short. Why are cars being given away! There are buses that can be used for this same purpose. It already works for shopping etc. They find a way to take care of any children in order to use the buses.”

**Response:** The Department thanks you for your comment. Section 18 (VII)(C)(2)(a) requires a down payment and monthly premium payments from program participants eligible for a program vehicle. Please see the Responses to Comments 4, 6, 11, 28, and 100. There was no change as a result of this comment.

- 227. Comment:** Commenter 91 stated, “I am sending this to write in my vote to condemn this action. This is the most irresponsible action of our state. A waste of money and an insult to the people of Maine. So, NO NO NO!”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 12. There was no change as a result of this comment.

- 228. Comment:** Commenter 92 stated, “I am so outraged at Maine having no money and the foolish things they are spending it on. Giving people a car on welfare is so ridiculous. Look how well they take care of their stuff that we the tax payers have had to give them. They don’t want to work, those that want to work will find a way.. Those cars will we destroyed in no time and they will not be doing the up keep. I’m tired of Mills wasting our money. I have always had to work for what I have, my parents didn’t buy me a car, I worked and earned my own and paid for my insurance and gas and repair. Go check out the houses that you give them. They sure don’t take care of those.”

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 6 and 28. Section 18 Subsections V(D)(5), and VII(C)(2)-(3) detailed the requirements that program participants must meet for receipt of a program vehicle. All program participants will have services provided which are determined most effective and efficient. (See Section 18(III)(A).) Section 18, subsection VII(A)(4), and (C)(1) specify that the individual properly maintain the vehicle. There was no change as a result of this comment.

**229. Comment:** Commenter 93 stated, “What is so much different now than 60 years ago? I raised 3 kids by myself with no help from the state or their father for the first 5-6 yrs of their lives. In order to qualify for a piddling amount of state aid, you had to be legally separated for 6 mos. Who could survive that long. Well I did and no one bought me anything. My children are contributing citizens and I never got a dime from anyone.” The commenter indicated that the proposed rule was nonsense.

**Response:** The Department thanks you for your comment. There was no change as a result of this comment.

**230. Comment:** Commenter 94 stated concern with, “Clarification needed between Draft Rule requiring issue of Title within 30 days vs. RFI requiring within 90 days”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 94. There was no change as a result of this comment.

**231. Comment:** Commenter 94 stated concern with, “Clarification of catalyst action for title to be issued; when participant receives vehicle after 3 premium payments equaling \$300 or at graduation of program after all premium payments equaling \$2700”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 94. There was no change as a result of this comment.

**232. Comment:** Commenter 94 stated concern with, “Clarification needed between Draft Rules statement that participant is responsible for vehicle maintenance and insurance vs RFI statement that the premium payments of \$2700 from the participant is to be held in a fund to assist participant with vehicle maintenance and insurance costs essentially making the vehicle free to the participant.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 100. There was no change as a result of this comment.

**233. Comment:** Commenter 94 stated concern because, “There is no language in RFI stating the dispersal manner of any residual funding if any results from holding the premium payments in an account. Do the residual funds return to the participant, stay in the account to assist other participants, or be used as partial compensation to the State for purchase of the vehicles?”



**Response:** The Department thanks you for your comment. The specifics of the RFP and any subsequent contracts are outside of the scope of this rulemaking. There was no change as a result of this comment.

**234. Comment:** Commenter 94 stated concern because, “There is no language stating the participants must retain the vehicle for any specified length of time after the graduation from program.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 32. There was no change as a result of this comment.

**235. Comment:** Commenter 94 stated concern because, “There is no language stating any repercussions should anyone other than participant drive vehicle and damage it in any type of accident or receive any vehicular violation.”

**Response:** The Department thanks you for your comment. The limitation on drivers can be found in Section 18(VII)(A)(4)(c). The repercussion of program termination is in Section 18(VIII). There was no change as a result of this comment.

**236. Comment:** Commenter 94 stated concern because, “Given the current poor financial situation of the State of Maine due to the Covid -19 pandemic the cost of implementing ASPIRE #25P at this time will provide undue hardship for the taxpayers of Maine.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 6. There was no change as a result of this comment.

**237. Comment:** Commenter 95 stated, “I don’t think that state will be able to effectively run this program. If someone can barely afford a car, there is no way they can afford the insurance, repairs and gas that come with it. I also find it will be increasingly difficult for the state to determine who should be eligible for the vehicles. This is a poor decision that will not play out that way it is expected to. Learned helplessness is a true thing and this will only encourage it more.”

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 1 and 28. There was no change as a result of this comment.

**238. Comment:** Commenter 96 stated, “Another rip-off by the Democrats. People should work for a car. A 2015 or newer, \$10,000 car is ridiculous. Many people are driving much older cars, worth much less than \$10,000.”

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 3, 6, 28, and 70. There was no change as a result of this comment.

**239. Comment:** Commenter 97 stated, “I am not in favor of the welfare car program. This program is a waste of our tax dollars and is totally absurd. The program has faulty checks and balances. You can help welfare recipients in many other ways than giving them cars. Do not allow this program to be pushed through.”

**Response:** The Department thanks you for your comment. Title 22 M.R.S. § 3769-F requires the Department to adopt rules establishing this program. The Department runs a number of programs that seek to provide assistance to the public in other ways, but the law establishing this program is very specific. It specifies that the program's purpose is to help eligible families retain sustainable employment by providing them with access to reliable, affordable transportation. It further specifies that the program be funded with federal TANF block grant funds accrued prior to fiscal year 2017-18. This funding limitation is reiterated within the rule at Section 18(III)(C). Section 18(V)(E) specifies that at application each factor impacting program eligibility will be verified. Section 18(VII)(B) states that this verification process will be repeated at least annually. Section 18(VII)(A)(1) and (3)(e) specifies that participants will need to meet monthly with the provider for the first six months of participation and every 6 months after that and more frequently if there is a change in employment or transportation circumstances. Further detail on checks and balances can be found in Section 4 of the manual which is outside of the scope of this rulemaking. There was no change as a result of this comment.

- 240. Comment:** Commenter 98 stated, "I see a great potential for fraud, waste, and abuse with this program...especially when the Mills' administration is operating in the negative and departments are being asked to cut 10% from their budgets. I don't believe Maine has the funds or personnel to implement this program!!!"

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 6 and 17. The Department has made every effort to strike a balance between program integrity and program access. The program is intended to remove barriers that prevent people from transitioning from public assistance to being employed and self-supporting. The program will be administered by a contractor paid by the aforementioned TANF Block Grant funds. There was no change as a result of this comment.

- 241. Comment:** Commenter 99 stated, "As a new car dealer I'm very strongly against this program. I do not want my tax dollars spent this way. As written this program is loaded with possible corruption. With the condition of this states finances, The state needs to spend money on other needed programs. NOT pandering to a select few"

**Response:** The Department thanks you for your comment. Please see the response to Comment 6. There was no change as a result of this comment.

- 242. Comment:** Commenter 100 asked, "Are applicants required to show proof of legal U.S. citizenship to qualify for this program? If not, why?"

**Response:** The Department thanks you for your comment. Please see the Response to Comment 133. The change is listed below in the List of Changes to Final Rule.

- 243. Comment:** Commenter 100 asked, "Is there a minimum residency requirement in Maine prior, during, or after applying. If not, why?"

**Response:** The Department thanks you for your comment. Maine cannot restrict benefits based on the amount of time an otherwise eligible individual has considered Maine their residence. Such attempts to restrict access have been struck down in a number of lawsuits

including *Shapiro v. Thompson* (1969), *Zobel v. Williams* (1982), and *Saenz v. Roe* (1999). There was no change as a result of this comment.

**244. Comment:** Commenter 101 stated, “There is a significant lack of clarity in the RFP.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 233. There was no change as a result of this comment.

**245. Comment:** Commenter 101 stated, “The rule should require that vehicles be sourced from Maine based dealerships.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 104. There was no change as a result of this comment.

**246. Comment:** Commenter 100 stated, “The financial participation of program recipients should be increased, potentially over time (to coincide with the increased earning potential brought by access to a reliable vehicle) and amounts paid by recipients should not be 'escrowed' for their own excise taxes, maintenance etc. for the vehicles.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 197. There was no change as a result of this comment.

**247. Comment:** Commenter 102 stated, “This is a completely unjustifiable income redistribution scheme. The state government has no business giving cars away, regardless of the "need" for them. The money to operate this and other giveaway schemes comes from hard-working taxpayers. This is not what you've been elected to do!”

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 3, 6, and 28. There was no change as a result of this comment.

**248. Comment:** Commenter 103 stated, “Why now? Why go forward with this now? During a time of financial instability in the state and in the country, isn't it an overreach to think the State of Maine can afford this program now? Heck, we're running in the red now! Thanks to Governor Mills & her constant spending.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 14. There was no change as a result of this comment.

**249. Comment:** Commenter 104 stated, “I do not believe you have the financial or personnel resources to implement this program!”

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 6 and 240. There was no change as a result of this comment.

**250. Comment:** Commenter 104 asked, “What happens if the car is driven or wrecked by an unauthorized user?”

**Response:** The Department thanks you for your comment. Section 18(VIII)(A)(2) specifies that any violation of the Agreement (including allowing unauthorized drivers to

drive the vehicle) will result in termination from the program. Section 18(VII)(2) specifies that failure to comply with the agreement (including allowing unauthorized drivers to drive the vehicle) may result in an intentional program violation and overpayment. An Intentional Program Violation would render the individual ineligible for a number of benefits provided through other public assistance programs. The specifics of such ineligibility are detailed within the respective regulations of each program. Section 18(VII)(A)(4)(o) specifies at that time the participant would need to return the vehicle. Section 18(VII)(C)(4) specifies that if the participant does not return the vehicle they will be charged with an Intentional Program Violation and an overpayment assessed in the amount of the estimated value of the vehicle at the time of transfer. There was no change as a result of this comment.

**251. Comment:** Commenter 104 asked, “Are tax payers refunded if the car receipt sells the car?”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 32. There was no change as a result of this comment.

**252. Comment:** Commenter 104 asked, “Will car recipients/households still receive discounted or free bus fare?”

**Response:** The Department thanks you for your comment. Under this program, the rule specifies that the most effective and efficient method to achieve the goal of providing long-term transportation solutions will be used, including public transportation or shuttle services. There was no change as a result of this comment.

**253. Comment:** Commenter 104 asked, “Who pays for parking? Impound fees if towed/stored? Maintenance fees? Insurance?”

**Response:** The Department thanks you for your comment. Section 18(VII)(C)(1)(a) specifies that the participant must be able to cover all costs of vehicle ownership without Department assistance. If the vehicle needs to be impounded, the participant would be in violation of their Agreement (see Section 18(A)(4)(e)), would be terminated from the program and would have to return the vehicle. (Please see Section 18(VIII)(A)(2) and (VII)(A)(4)(o)). There was no change as a result of this comment.

**254. Comment:** Commenter 105 stated, “If the phone line is silent, why not read some of the e-mailed comments? Online comments?”

**Response:** The Department thanks you for your comment. This comment appears to be related to the hearing process, not the rulemaking. There was no change as a result of this comment.

**255. Comment:** Commenter 106 asked, “You have to be joking right? There isn’t a way to make sure these people don’t sell these cars. How do you keep track of them? Why is it they can have a new car at almost no cost, but hard working people can’t? The cars can be bought anywhere? So Maine dealerships lose there too? They have the title in 90 days?”

Seriously? Those cars are as good as gone. And that's not welfare fraud, that is THEFT! This whole program is a waist of taxpayers money. There are better uses."

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 17, 28, 32, and 104. Title 22 M.R.S. § 3769-F specifies that participants be eligible for TANF-funded programs and that this program be funded with federal TANF block grant funds accrued prior to fiscal year 2017-18. This funding limitation is reiterated within the rule at Section 18(III)(C). The participant limits established in State law (Title 22, Subtitle 3, Part 3, Chapter 1053-B) do not allow the Department to offer this support to families that have income above 250 percent of the FPL. There was no change as a result of this comment.

**256. Comment:** Commenter 107 asked, "If an adult in the household has a vehicle but will not let the applicant use it, will you accept a letter from the vehicle owner to attest to this? Will this letter let the applicant become eligible?"

**Response:** The Department thanks you for your comment. Please see the Response to Comment 146. There was no change as a result of this comment.

**257. Comment:** Commenter 107 asked, "Will DHHS provide or facilitate transportation for the applicant to attend the in-person meeting once per month for the 6 months required?"

**Response:** The Department thanks you for your comment. The Department anticipates that the transportation supports provided as part of this program would enable the participant to attend the in-person meetings. If not, arrangements could be made as part of the Program Agreement or the participant could claim Good Cause under Section 4(III). There was no change as a result of this comment.

**258. Comment:** Commenter 107 asked, "Can you explain the reasoning around the applicant not being able to use the vehicle for a job/volunteer position that would pay them mileage?"

**Response:** The Department thanks you for your comment. Please see the Response to Comment 137. There was no change as a result of this comment.

**259. Comment:** Commenter 107 asked, "Are we reading this correctly that the program is for TANF and PaS beneficiaries as well as those who may not be receiving the benefits yet but who are eligible for Alternative Aid? (Basically can TANF eligible but not active TANF participants participate in any way?) Or must they become a TANF participant first? If eligible non-TANF participants are allowed into the program, the number of potential participants is significantly higher and there are significant concerns on where to focus resources – either on the transportation/ride portion or the car ownership portion of the RFP."

**Response:** The Department thanks you for your comment. Title 22 M.R.S. 3769-F specifies that this program is available to families eligible for Alternative Aid. Section 18(III)(A) specifies that the most effective and efficient support will be provided on a case by case basis. The vendor operating the program will provide the appropriate supports for

each family based on the participant's assessment. Section 18 (III)(C) addresses funding and how the Department must respond when program resources are reduced or depleted. There was no change as a result of this comment.

**260. Comment:** Commenter 107 asked, "What if their income is over the 250% of poverty during the program- do we take the car back?"

**Response:** The Department thanks you for your comment. Please see the Response to Comment 68. There was no change as a result of this comment.

**261. Comment:** Commenter 107 asked, "Is this program meant to:

- o Provide temporary transportation as a pathway/temporary measure while the participant becomes eligible to own a car
- o Or to provide both transportation separately from car ownership (can be unconnected)
- o Or is the emphasis on one over the other? Ownership is more critical vs. Transportation Services."

**Response:** The Department thanks you for your comment. The program is meant to provide the most effective and efficient long-term solution to transportation barriers to employment. (See Section 18(III)(A).) The vendor operating the program will determine individual program participant's needs and transportation solution through the assessment process which is required in Section 18 (VI) of the proposed rule. There was no change as a result of this comment.

**262. Comment:** Commenter 107 asked, "How much say does a participant have in the transportation needs assessment? For example, there may be a nearby bus route or other alternative, but after an explanation, a personally owned car is deemed the most logical due to scheduling of work, etc."

**Response:** The Department thanks you for your comment. Section 18(IV)(A) specifies flow of the determination process. It states that the Department will make a determination of eligibility for enrollment based on the criteria in Section 18(V) (which includes the availability of public transportation) prior to scheduling the assessment detailed in Section 18(VI). Therefore, if an applicant has accessible and practical public transportation, they would not be eligible for a program vehicle. There was no change as a result of this comment.

**263. Comment:** Commenter 108 stated, "Please as a tax payer of Maine I am asking you to stop the Cars for Welfare Recipients program. Our State can not afford to give yet another freebie to welfare recipients. I do not appreciate the misuse of my tax dollars.

I grew up poor and was never given a hand out and am now gainfully employed and supporting a family. People need to earn things in life not be handed everything for "free". This is what our country is founded on hard work and the result of that hard work.

Middle class people are out of jobs, small business are closing and the governor wants to give away cars to people who have not earned them? This makes no sense. It is especially

offensive that she is passing laws during the COVID-19 pandemic. She should passing laws behind closed doors and behind peoples' backs.

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 6 and 28. There was no change as a result of this comment.

**264. Comment:** Commenter 109 requested, “Please do not allow this poor bill to become law. There are many problems with this bill. This is ripe for fraud and misuse. I consider it a major waste of taxpayer funds.”

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 10, 12, 17, 28 and 53. There was no change as a result of this comment.

**265. Comment:** Commenter 110 stated, “I am absolutely 100% against the bill, ‘working cars for working families’ that Janet Mills and her clan have concocted and are trying to pass. This is sickening to all of us hard working people that cannot even afford a car as new as the ones she is giving away. Especially when they are going to be given the title with 90 days and there are no stipulations keeping them from selling the car. What makes her think that people can afford to take care of a car when they cant even buy one. There is a lot of preventive maintenance required on vehicles. I want this bill stopped now!!!

If Mills wants to give people free cars than she can do it with her own person money, not mine.”

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 1, 12, 28, and 32. Section 18 Subsections V(D)(5), and VII(C)(2)-(3) specify that participants will need to pay a down payment and monthly premiums for program vehicles. There was no change as a result of this comment.

**266. Comment:** Commenter 111 stated, “This is insane. Where is their incentive to work if you keep giving them everything for free? Not fair to the working people of Maine ... working 2-3 jobs but paying their own way!!!

Time for welfare to stop making it so easy for people to sit ... and get free [stuff]!!”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 28. Section 18 Subsections V(D)(5), and VII(C)(2)-(3) specify that participants are required to pay a down payment and monthly premiums for the vehicles. There was no change as a result of this comment.

**267. Comment:** Commenter 112 stated, “I think there could be potential with this program but it has been pushed through far too quickly with far too little input from Maine legislators and the public. There are many problems with this program the way it is currently written and it can easily be taken advantage of by those participating in the program. If people, no matter the amount, take advantage of the problems with this program, it will cost Maine a lot of money, which should be especially concerning given the projected shortfalls in the Maine budget for the next couple of years. I implore you to reject this program and send it

back to the drawing board to be reworked into a viable program with rules and regulations that are fair and can be easily upheld.”

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 6 and 61. There was no change as a result of this comment.

- 268. Comment:** Commenter 113 stated, “Is this true?????? Gov. Mills is about to sign off on a bill that will buy cars for Mainers who receive welfare benefits??” The Commenter stated, “If this is so, she and everyone is more off their rockers than I though I’d ever live to see. I just retired and I worked all my life to receive anything I ever got. I didn’t have much but I never expected any kind of hand out either. If this is true, it absolutely makes me want to vomit on her head!!!!”

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 12 and 28. There was no change as a result of this comment.

- 269. Comment:** Commenter 114 stated, “I am a small business Owner and think this is a bad idea I plan on voting for Sue Collins and Paul Lepage.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 12. There was no change as a result of this comment.

- 270. Comment:** Commenter 115 stated, “Please do not support the bill from Janet Mills, to give people on welfare a new vehicle. It’s absolutely absurd. There is no incentive for these people On Welfare to want to better them selves if the state provides them with nice things , that the working people can not even afford. Our previous governor proved that by Lessing welfare, people went and found jobs, and made them selves better people. We must start holding people accountable for their actions, to want to strive to make them selves better. Nothing is appreciated when it is given and not earned. Please do not pass this bill!”

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 28 and 53. Section 18 (VII) specifies criteria for vehicle delivery which includes down payments and monthly premium payments. Program participants not eligible for program vehicles will have other transportation supports and services provided which are determined more effective and efficient. (See Section 18(III)(A).) There was no change as a result of this comment.

- 271. Comment:** Commenter 116 stated, “I am appalled that this proposal is even being considered. Working in a hospital I see the Main Care patients that take advantage of this program. Indeed, have seen people from outside the state come here to ‘enjoy’ the benefits for the poor. Increased ‘babysitting’ has to be done in hospitals because of the lack of mental health care and help with addiction issues. At the same time we have our senior citizens needing more help with the prices of food, housing, lack of assistive care when needed! These are the people that have worked for YEARS for this state. There must be more promotional things that could be done for the state than this. How about giving people a tax break when they’ve lived in the state for so many years and are entering retirement? How about making this a state that people want to retire to instead of not



retiring here because it is so tax heavy? How about bringing businesses here that will help make us grow? But no, our leaders want to put more burden on the taxpayers by giving more to the poor. This was apparent when people got their extra bonus from government, did i they pay bills? A lot did not. Their kids still went hungry while more drugs and adult play toys were purchased.

This is only a quick note of my thoughts on this but I am a ‘close to retiring’ working member of this state for over 50 years. I do not begrudge those that need help but I have seen, and am seeing many areas that we should start cleaning up and making others as responsible as the working class is.”

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 4, 6, 15, and 28. There was no change as a result of this comment.

**272. Comment:** Commenter 117 stated, “This is the worst idea I have ever heard of coming from a so called sane responsible person. Stop this before it’s too late. Governor Mills is trying to destroy our state!”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 12. There was no change as a result of this comment.

**273. Comment:** Commenter 118 stated, “The poorly conceived ‘working cars for working families’ program should not be implemented during such uncertain budget times for the State.”

**Response:** The Department thanks you for your comment. Please See the Response to Comment 6. There was no change as a result of this comment.

**274. Comment:** Commenter 118 stated, “A hand up is to be commended but a hand out never works. There are more efficient ways to insure transportation to welfare recipients. How someone on welfare can afford all the associated costs of having a car escapes me. Gasoline, regular maintenance, unexpected repairs, and insurance are costs are too burdensome.”

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 1, 3, 28 and 270. There was no change as a result of this comment.

**275. Comment:** Commenter 118 stated, “The penalties for abusing the program are too weak and will not be enough of a restraint”

**Response:** The Department thanks you for your comment. Section 18(VII)(A)(2) specifies that noncompliance with the program may result in termination from the program, an Intentional Program Violation (IPV), and an overpayment. An IPV would make them ineligible for a number of Departmental benefits, with the specifics being defined in each program’s regulations. There are additional penalties, if it is prosecuted as welfare fraud. (See Title 22 M.R.S. § 3182). There was no change as a result of this comment.

**276. Comment:** Commenter 118 requested that the Department “Please abandon this plan.”

**Response:** The Department thanks you for your comment. Please See the Response to Comment 12. There was no change as a result of this comment.

277. **Comment:** Commenter 119 stated, “I want to voice my strong opposition to “working cars for working families”. I’m sure you’ve heard multiple reasons why people would not want this to go through and I will not reiterate them. I do, however, want to let you know that I’m opposed to this.”

**Response:** The Department thanks you for your comment. Please See the Response to Comment 12. There was no change as a result of this comment.

278. **Comment:** Commenter 120 stated, “Please add my name to the list of those opposed to this bill. It is not sufficiently hammered out to function effectively. Better to subsidize bus service, create more special taxis.

This program is rife for abuse. Outrageous!”

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 3, 10, 28, 53. This public comment period is the opportunity for the public to provide input. There was no change as a result of this comment.

279. **Comment:** Commenter 121 stated, “I would like to start off by saying that as a Mainer, I am fully against buying people on welfare a vehicle. There are plenty of other resources the people on welfare receive, and collect, and they have plenty of resources to get to and from.

I am ashamed that Sara Gideon, and our "Governor" Mills, has made a decision that, that is where money should be going and pushing it through during a pandemic. While the ‘Governor’ has kept maine shut down. I am a hard working 28 year old, single mother of one, a tax payer, and a home owner. I have had to work through this pandemic, as an ‘essential employee’ on the front lines as a nurse. Governor mills has decided to keep having others bail us out of financial problems during this time, and thinks this is the ‘best’ thing we as a state should be putting money too. I HIGHLY disagree. As a nurse, I am ashamed that people on welfare, get to sit home and rake in every benefit possible when some of them are my age, and decide that's the best ‘career path’ when they are more than able to go out and have a job and work and sit on social media complaining about ‘how hard they have it’. I am ashamed that governor mills, and sara gideon, have decided that instead of giving back to the people who have kept working and putting not only their LIVES at risk, but their families, and their loved ones, who WERE NOT able to stay home, and make more than most of their paychecks on unemployment to help buy people on welfare a vehicle when most of us essential workers have received absolutely nothing during this time, or any other time before this. All this is doing is showing these people on welfare that their lives are more valuable than the people who make that income for them by giving them more handouts, and more reason to not get out to work. ‘The vehicle would help with getting a job’ there are plenty of transportation in most areas if that person wanted to work. Governor mills, needs to start thinking about the WORKING class citizens who do not get handouts, and work their butts off and get told ‘you make too much for any help what so ever’ and the WORKING citizens who are BARELY scraping by even with a decent paying job, before we decide to give out any more handouts to people on welfare. It

is an embarrassment to see that this is what our 'governor' has decided to do during an 'epidemic'.

I have been refused any type of help. When I have tried, it was healthcare FOR MY DAUGHTER ONLY and was denied because I have worked for my life and have worked hard for my life. As a Mainer, buying a vehicle for people on welfare is just absurd and a complete mockery of the hard working Mainers. Start thinking of helping the nurses, and drs, and other medical staff, and essential workers during this time instead of thinking this is how your going to be re-elected.

Thank you for taking the time to read my email. Hopefully you'll take it into consideration, and start realizing that there are hard working Mainers who deserve to be treated better, and deserve a little slack once in a while, instead of the people who already have everything handed to them from the state because there are alot of us, that need to start thinking about them and instead of thinking about how much more of us, have to give that we havent already.”

**Response:** The Department thanks you for your comment. The commenter expresses concern, several times, with the timing of the rulemaking. Please see the Response to Comment 14.

The commenter makes reference to other ways to get to work. To the extent that there are other options for a particular family, they would not be eligible for this program. (See Section 18(B)(2).)

The commenter makes reference to participants sitting home and not working. Please see the Response to Comment 28.

Please see the Response to Comment 270.

The commenter states there are other ways this money could be used, specifically as it relates to people who exceed the income guidelines for government assistance. Please see the Response to Comment 15.

The commenter makes mention of people needing to give more to fund this program. Please see the Response to Comment 6.

The commenter references various benefits provided under the federal CARES act and various executive orders that have been made this year, all of which are outside of the scope of this rulemaking. There was no change as a result of this comment.

**280. Comment:** Commenter 122 stated, “Free phones, free health care, free food, free rent.....no wonder people don't want to ... get a job ...

Now free cars ???? So they can go to work ???? ... let them earn it instead of looking to the taxpayer to get by lijr the rest of us did.....

NO CARS FOR FREeloaders !!!!!

...

No way !!!!!!!”

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 3, 12, and 28, and 270. There was no change as a result of this comment.

**281. Comment:** Commenter 122 stated, “Who's going to buy the gas? Pay for insurance ? Repairs ?”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 100. There was no change as a result of this comment.

**282. Comment:** Commenter 123 stated, “The car program proposed by the Governor is absolutely appallingly. This is a rushed project in the middle of a global pandemic. There are so many other things the Governor should be caring about besides giving away cars. Most hard working families cannot afford a car thats from 2015 or newer but yet let's give them away to a select few. What a stab in the back to people that work so hard everyday to provide for their families. There aren't any programs that help families that are just above the ‘poverty’ line that qualifies them for help and they are struggling to keep their heads above water. I'm deeply saddened by this and makes me wish that more people would speak out about all the money our Governor wants to give away.”

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 12, 15, 28, and 270. There was no change as a result of this comment.

**283. Comment:** Commenter 124 stated, “I am writing to you today in extreme opposition of the Working Cars for Working Families program. Besides the fact that I’m against additional welfare in general, NOW IS NOT THE TIME for our state government to be spending additional money with a pandemic and giant budget shortfall looming.

I, myself am a state of Maine employee being asked to cut budgets for statutorily mandated and important programs because of the budget shortfall. This budget crisis will not only negatively impact the industries I serve, it could cost me my job. Please explain to me why I need to cut my budget and potentially my livelihood so you can enact and fund another welfare program??!!

I am also a small business owner who has been impacted negatively by COVID-19 but have yet to qualify for or apply for any funding programs.

I have owned many vehicles in my life- know how I bought them?? HARD WORK. Budgeting finances. Making sacrifices in other parts of my life to make sure I could get to work and better myself. I beg you please do not ignore the massive shortfalls already happening in our state budget to put vital funding towards a new welfare program.”

**Response:** The Department thanks you for your comment.

Please see the Responses to Comments 6, 14, 15 and 28. There was no change as a result of this comment.

**284. Comment:** Commenter 125 stated, “I am writing in opposition of this program being put into place at a time when we are in a budget crisis already. I have always had to work for everything that I have as have the rest of my family and I am in opposition of giving more handouts to people that have not worked to earn it. Other state agencies are asked to make cuts at this time it is not an appropriate time to be funding a new program on the back’s of the taxpayers of Maine. Definitely a bad time to put in a new program and ask for funding.”

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 6, 14, 15, 28. Section 18 Subsections V(D)(5), and VII(C)(2)-(3) specify that participants will need to pay \$2,700 to \$4,050 for the vehicles. There was no change as a result of this comment.

**285. Comment:** Commenter 126 stated, “I oppose this new program.”

**Response:** The Department thanks you for your comment. Please See the Response to Comment 12. There was no change as a result of this comment.

**286. Comment:** Commenter 127 stated, “Although I understand the goal with this program I have to strongly disagree. As an addict in recovery and a former recipient of welfare I believe you are making a huge mistake. I am in total disagreement with this for several reasons. I understand today is the deadline to express such concerns and I would like to express mine. People who are given hand-outs versus hand-ups are rarely ever successful.”

**Response:** The Department thanks you for your comment. Please see the Responses to Comments 12 and 28. Section 18 Subsections V(D)(5), and VII(C)(2)-(3) specify that participants will need to pay a down payment and monthly premiums for program vehicles. There was no change as a result of this comment.

**287. Comment:** Commenter 128 stated, “This is absolutely insane and preposterous! I'm a Democrat but this may turn me Republican. Are you kidding me? Do not pass this!!”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 12. There was no change as a result of this comment.

**288. Comment:** Commenter 129 stated, “So I just want to make sure I understand this correctly, recipients of welfare can pay a grand total of \$2,700 for a vehicle that is 2015 or newer with less than 70,000 miles and receive the title within 90 days after paying \$600. Correct? There isn't one single vehicle out there that is 2015 or newer with less than 70,000 miles on it that will be sold for \$2,700.” The commenter went on to ask as series of questions that compose the following comments.

**Response:** The Department thanks you for your comment. The commenters calculation are correct. There was no change as a result of this comment.

**289. Comment:** Commenter 129 asked, “who is going to pay for the rest of what the vehicle is sold for after the \$2,700 is paid?”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 6. Among other things, those funds will be used for the purchase of program vehicles. There was no change as a result of this comment.

**290. Comment:** Commenter 129 asked, “How are we going to know at what price these vehicles were actually purchased for?”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 72. There was no change as a result of this comment.

**291. Comment:** Commenter 129 asked, “At what point can the recipient sell the vehicle?”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 32. There was no change as a result of this comment.

**292. Comment:** Commenter 129 asked, “Why are they giving the recipient the title without fully paying for the vehicle?”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 27. There was no change as a result of this comment.

**293. Comment:** Commenter 129 asked, “What happens if they don't make the full payments?”

**Response:** The Department thanks you for your comment. Section 18(VII)(C)(2) specifies if they miss two payments in a row or three payments in 12 months, they will need to return the vehicle. There was no change as a result of this comment.

**294. Comment:** Commenter 129 asked, “why ... aren't the working people getting any kind of a break like this!?” The Commenter stated, “We have to go to a bank, qualify for a loan, pay interest, and pay the vehicle in full before we get the title! How is this being allowed to happen!? Why does this state encourage people to be unemployed?? Seems to me that might be the way to go for all the benefits you can receive living off the state.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 28. There was no change as a result of this comment.

**295. Comment:** Commenter 129 stated, “hopefully this does not go into effect because it is an absolutely terrible idea with even worse planning.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 12. There was no change as a result of this comment.

**296. Comment:** Commenter 130 stated, “I certainly hope that someone stops this before it actually gets implemented. This is the most ridiculous spend of taxpayers money I have ever seen.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 12. There was no change as a result of this comment.

**297. Comment:** Commenter 130 stated, “I have searched far and wide to find an opinion FOR this program if you have information on it so I can educate myself on why this is the right thing to do please send.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 12. There was no change as a result of this comment.

**298. Comment:** Commenter 132 stated, “I’ve been on the Health and Human Services Committee now for 6 years. And, in that 6 years, one of the most common problems we talk about is that the lack of transportation for people who are working in fields that are incredibly important for the wellbeing of our ... of Mainers but they’re low paid, and people don’t have access to transportation because, Maine is a large state ... and is very rural, so, there isn’t the public transportation, generally, available. So, I’m talking about people who are direct care workers, who go from place to place and home to home taking care of people with developmental disabilities, intellectual disabilities, the elderly, people who have physical disabilities, and often times go a long distance from place to place to deliver care. Although, these same workers need child care and need a way to get their children to child care they need to show up, on time, for jobs, and they need to be there dependably, and, often times, a car that doesn’t work, or lack of transportation doesn’t help them. There are a lot of carpooling situations where people carpool, and the car breaks down and then none of the workers can show up. So, it is a very big problem in our state. So, this program, is a way to ensure that at least some people have transportation. So, that’s the problem we’re trying to solve.”

**Response:** The Department thanks you for your comment. There was no change as a result of this comment.

**299. Comment:** Commenter 132 stated, “Accountably is something that the rules should take into account, but, the rules should not be obstructive to the intent of the law. So, I urge that balance between accountability and not obstruction. There is oversight written into the rules which is important and, oversight by the committee of jurisdiction, which, currently, is Health and Human Services, which should by yearly to review the important metrics that are collected and decide if the program has been a success as judged by the committee through input from data and from the stakeholders.”

**Response:** The Department thanks you for your comment. Please see the Response to Comment 10. The commenter correctly points out that there is also a level of legislative oversight that is outside of the scope of this rulemaking. There was no change as a result of this comment.

**300. Comment:** Commenter 132 stated, “I wanted to, in closing, make sure that people understood— the problem and the intent of this program; that there is oversight; and that the rules are not obstructive to the intent of the program.”

**Response:** The Department thanks you for your comment. There was no change as a result of this comment.

**301. Comment:** Commenter 133 stated, this program sounds like the answer to my prayers when I was director of Women Unlimited. As anyone who has been for the last 30 to 50 years working on helping women to transition from welfare to work knows, transportation is, one of the top three barriers to employment. In my experience it was number one. To create a program like this that would, especially for the women who Women Unlimited helped get off welfare. These women accessed trade and technical jobs which are, usually, all over the place and not on a bus route, if there are any bus routes through rural Maine or not on a carpool that DOT has set up, except maybe for the, the three years that we were constructing the Casco Bay Bridge. Having access to a car like this program provides will just be life changing for women and had this program been available when I was directing Women Unlimited it would have changed the number of women we could place in these good paying jobs by two, three, four ten fold. It's important. The Commenter provided extensive information on her qualifications and the work Women Unlimited had done with the target population.

**Response:** The Department thanks you for your comment. There was no change as a result of this comment.

**302. Comment:** Commenter 133 stated, "The premiums, or the up-front costs that you are requiring of women on welfare could be barriers to participation. And I understand why you want people to show that they're serious and have some skin in the game, and also, that they have the ability to handle the car and pay for it ... but I just want you to watch that and make sure that you're not setting the hurdle too high."

**Response:** The Department thanks you for your comment. The commenter correctly identifies that it is crucial that participants who receive vehicles have some upfront investment in the vehicle. The Department believes the down payment amounts in the proposed rule, distributed over up to three months, strikes the correct balance between program integrity and program access. There was no change as a result of this comment.



## CHANGES TO FINAL RULE

The changes below have been made to the final rule as a result of public comment, unless otherwise noted. The final rule is consistent in substance with the rule that was proposed.

### 1. *Section 18, Working Cars for Working Families*

#### DESCRIPTION OF THE CHANGE

1) Subsection V(A)(1). “federally funded” was added to “As of the date of application, the applicant must be an included member of an open case in Maine for, and be receiving, federally funded TANF or TANF-PaS; or”. This change was the result of comment and a closer review eligible uses for the prescribed funding.

2) Subsection V(C) was amended with the following requirement.

“1. Applicants must meet all of the non-financial eligibility criteria for federally funded TANF benefits described in Maine Title 10-144 C.M.R. Ch. 331 chapter II with the following exceptions:

- a. Establishing Paternity and Assignment of Rights to Support
- b. ASPIRE-TANF

NOTE: This exception does not waive any requirements to participate with ASPIRE based on participation in other TANF funded programs.”

This change was the result of comment and a closer review eligible uses for the prescribed funding.

## Kreckel, Brendan D

---

**From:** Moncure, Halliday  
**Sent:** Tuesday, November 3, 2020 4:07 PM  
**To:** Downs, Michael E; Kreckel, Brendan D  
**Cc:** Ray, Liz; Baer, Julian; Sturtevant, Timothy  
**Subject:** RE: ASPIRE Rule 25A for OAG Review (Adopted Stage)

**Sensitivity:** Confidential

Thanks for revising so quickly, Michael. We look forward to working with you on this rule.

Halliday Moncure  
Assistant Attorney General  
Office of the Attorney General  
6 State House Station  
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Tel: 207 626 8555  
Fax: 207 287 3145  
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Preferred pronouns she/her/hers

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---

**From:** Downs, Michael E <Michael.E.Downs@maine.gov>  
**Sent:** Tuesday, November 3, 2020 3:47 PM  
**To:** Moncure, Halliday <Halliday.Moncure@maine.gov>; Kreckel, Brendan D <Brendan.D.Kreckel@maine.gov>  
**Cc:** Ray, Liz <Liz.Ray@maine.gov>; Baer, Julian <Julian.Baer@maine.gov>; Sturtevant, Timothy <Timothy.Sturtevant@maine.gov>; Johnson, Kimberly <Kimberly.Johnson@maine.gov>  
**Subject:** RE: ASPIRE Rule 25A for OAG Review (Adopted Stage)  
**Sensitivity:** Confidential

Good afternoon Halliday,

Attached, please find the reformatted SOC.

At your service,

Michael E. Downs  
Policy Senior Planner  
State of Maine  
Dept. Of Health and Human Services  
Office for Family Independence  
Ph (207) 624-4135

Fx (207) 287-3455

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---

**From:** Moncure, Halliday <[Halliday.Moncure@maine.gov](mailto:Halliday.Moncure@maine.gov)>  
**Sent:** Tuesday, November 3, 2020 9:03 AM  
**To:** Downs, Michael E <[Michael.E.Downs@maine.gov](mailto:Michael.E.Downs@maine.gov)>; Kreckel, Brendan D <[Brendan.D.Kreckel@maine.gov](mailto:Brendan.D.Kreckel@maine.gov)>  
**Cc:** Ray, Liz <[Liz.Ray@maine.gov](mailto:Liz.Ray@maine.gov)>; Baer, Julian <[Julian.Baer@maine.gov](mailto:Julian.Baer@maine.gov)>; Sturtevant, Timothy <[Timothy.Sturtevant@maine.gov](mailto:Timothy.Sturtevant@maine.gov)>; Johnson, Kimberly <[Kimberly.Johnson@maine.gov](mailto:Kimberly.Johnson@maine.gov)>  
**Subject:** RE: ASPIRE Rule 25A for OAG Review (Adopted Stage)  
**Sensitivity:** Confidential

Hi Michael –

Thanks for your prompt response, and for all the efforts on this rulemaking. We will certainly not delay our review of the substance.

Halliday Moncure  
Assistant Attorney General  
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6 State House Station  
Augusta ME 04333-0006  
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Preferred pronouns she/her/hers

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---

**From:** Downs, Michael E <[Michael.E.Downs@maine.gov](mailto:Michael.E.Downs@maine.gov)>  
**Sent:** Tuesday, November 3, 2020 8:55 AM  
**To:** Moncure, Halliday <[Halliday.Moncure@maine.gov](mailto:Halliday.Moncure@maine.gov)>; Kreckel, Brendan D <[Brendan.D.Kreckel@maine.gov](mailto:Brendan.D.Kreckel@maine.gov)>  
**Cc:** Ray, Liz <[Liz.Ray@maine.gov](mailto:Liz.Ray@maine.gov)>; Baer, Julian <[Julian.Baer@maine.gov](mailto:Julian.Baer@maine.gov)>; Sturtevant, Timothy <[Timothy.Sturtevant@maine.gov](mailto:Timothy.Sturtevant@maine.gov)>; Johnson, Kimberly <[Kimberly.Johnson@maine.gov](mailto:Kimberly.Johnson@maine.gov)>  
**Subject:** RE: ASPIRE Rule 25A for OAG Review (Adopted Stage)  
**Sensitivity:** Confidential

Good morning Halliday,

The original comment deadline was Jul 5. On Jul 5 we received the petition for a hearing and had to republish the rule with an extended comment deadline of August 20. I have attached the initial pre-review approval, from AAG Tom Quinn, and the second round pre-review approval from you.

I have attempted to set up a one-drive folder to share documents. I do not appear to have the correct permissions to share it. I have reached out to Kimberly Johnson per your suggestion. In the meantime, the documents in teams can be

opened edited and worked with the same way they can in a one drive folder or a more traditional shared drive folder. There is no need to save them to a second location.

I will start on the formatting changes you suggest in 1, 2, and 4 below but would request that in the meantime you start verifying the substance of the comments and responses. As for #3, an organization was listed for each commenter who listed an organization. Most did not.

Cordially,

Michael E. Downs  
Policy Senior Planner  
State of Maine  
Dept. Of Health and Human Services  
Office for Family Independence  
Ph (207) 624-4135  
Fx (207) 287-3455

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---

**From:** Moncure, Halliday <[Halliday.Moncure@maine.gov](mailto:Halliday.Moncure@maine.gov)>  
**Sent:** Tuesday, November 3, 2020 8:23 AM  
**To:** Downs, Michael E <[Michael.E.Downs@maine.gov](mailto:Michael.E.Downs@maine.gov)>; Kreckel, Brendan D <[Brendan.D.Kreckel@maine.gov](mailto:Brendan.D.Kreckel@maine.gov)>  
**Cc:** Ray, Liz <[Liz.Ray@maine.gov](mailto:Liz.Ray@maine.gov)>; Baer, Julian <[Julian.Baer@maine.gov](mailto:Julian.Baer@maine.gov)>; Sturtevant, Timothy <[Timothy.Sturtevant@maine.gov](mailto:Timothy.Sturtevant@maine.gov)>; Johnson, Kimberly <[Kimberly.Johnson@maine.gov](mailto:Kimberly.Johnson@maine.gov)>  
**Subject:** RE: ASPIRE Rule 25A for OAG Review (Adopted Stage)  
**Sensitivity:** Confidential

Hello again (and sorry for the multiple emails) –

Can you please take another stab at the Summary of Comments/Responses document? The following changes are needed:

1. Remove list of people who requested a hearing but provided no comments. This is not required per the APA. See 5 MRS 8052(5). You could state in the introduction that 456 individuals requested a public hearing, which was held via Teams (or Zoom, Skype etc) on x date, but then add a footnote about how they provided no comments.
2. Remove designations of (r) and (ph), as this is also not needed per the APA. There is no need to break out written vs. oral comments. The introduction could state something like, “this document combines all oral and written comments received during the public comment period ending on” x date.
3. It appears that you did this with some folks, but check to make sure that organization information is listed for each individual who submitted a comment (either oral or written). 5 MRS 8052(5).
4. As you summarize the comments, just list them (#s 1 – x), along with reference to the assigned number of the commenter. Do not also include below “Comment 1, Response to Comment 1.” Rather, it should just appear as “Comment: ....” and “Response: ....”

Attached are a couple examples of how the Summary of Comments and Responses and List of Changes to Final Rule MAPA document should appear (these are in draft form with my redline edits for OMS, which were accepted).

In the meantime, we will begin our review of this final rulemaking. Let us know about questions. Thank you.

Halliday

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Assistant Attorney General  
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6 State House Station  
Augusta ME 04333-0006  
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Preferred pronouns she/her/hers

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**From:** Moncure, Halliday  
**Sent:** Tuesday, November 3, 2020 7:43 AM  
**To:** Downs, Michael E <[Michael.E.Downs@maine.gov](mailto:Michael.E.Downs@maine.gov)>; Kreckel, Brendan D <[Brendan.D.Kreckel@maine.gov](mailto:Brendan.D.Kreckel@maine.gov)>  
**Cc:** Ray, Liz <[Liz.Ray@maine.gov](mailto:Liz.Ray@maine.gov)>; Baer, Julian <[Julian.Baer@maine.gov](mailto:Julian.Baer@maine.gov)>; Sturtevant, Timothy <[Timothy.Sturtevant@maine.gov](mailto:Timothy.Sturtevant@maine.gov)>; Johnson, Kimberly <[Kimberly.Johnson@maine.gov](mailto:Kimberly.Johnson@maine.gov)>  
**Subject:** RE: ASPIRE Rule 25A for OAG Review (Adopted Stage)  
**Sensitivity:** Confidential

Also – was there a pre-review done on the proposed rule? If so, please forward the pre-review memos.

Thanks.

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Preferred pronouns she/her/hers

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**From:** Moncure, Halliday  
**Sent:** Tuesday, November 3, 2020 7:39 AM  
**To:** Downs, Michael E <[Michael.E.Downs@maine.gov](mailto:Michael.E.Downs@maine.gov)>; Kreckel, Brendan D <[Brendan.D.Kreckel@maine.gov](mailto:Brendan.D.Kreckel@maine.gov)>

**Cc:** Ray, Liz <[Liz.Ray@maine.gov](mailto:Liz.Ray@maine.gov)>; Baer, Julian <[Julian.Baer@maine.gov](mailto:Julian.Baer@maine.gov)>; Sturtevant, Timothy <[Timothy.Sturtevant@maine.gov](mailto:Timothy.Sturtevant@maine.gov)>; Johnson, Kimberly <[Kimberly.Johnson@maine.gov](mailto:Kimberly.Johnson@maine.gov)>

**Subject:** RE: ASPIRE Rule 25A for OAG Review (Adopted Stage)

**Sensitivity:** Confidential

Good morning –

Thanks for sending this rulemaking for a final review.

Preliminarily - what was the comment deadline? The Fact Sheet states that it was July 5, but the draft Summary of Comments document and the MAPA 3 I found with the proposed rule online state that the deadline was August 20. Why are different dates?

Can you please send the comments, etc. via a shared folder on One Drive? That way they will be easier for us to access and not have to save down the numerous files separately from Teams. Kim Johnson can help if you have questions about using the cloud.

We'll do our best to turn this around as quickly as possible, but it may take a bit longer than the preferred timeline, below, given the amount of comments. We appreciate your understanding in that regard.

Halliday

Halliday Moncure  
Assistant Attorney General  
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Preferred pronouns she/her/hers

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---

**From:** Downs, Michael E <[Michael.E.Downs@maine.gov](mailto:Michael.E.Downs@maine.gov)>

**Sent:** Monday, November 2, 2020 9:00 PM

**To:** Kreckel, Brendan D <[Brendan.D.Kreckel@maine.gov](mailto:Brendan.D.Kreckel@maine.gov)>; Moncure, Halliday <[Halliday.Moncure@maine.gov](mailto:Halliday.Moncure@maine.gov)>

**Cc:** Ray, Liz <[Liz.Ray@maine.gov](mailto:Liz.Ray@maine.gov)>; Baer, Julian <[Julian.Baer@maine.gov](mailto:Julian.Baer@maine.gov)>; Sturtevant, Timothy <[Timothy.Sturtevant@maine.gov](mailto:Timothy.Sturtevant@maine.gov)>

**Subject:** ASPIRE Rule 25A for OAG Review (Adopted Stage)

**Sensitivity:** Confidential

Good evening Brendan and Halliday,

We have another rule for review. This rule is the top priority with OFI.

For your reference, I have attached the following documents:

- 1) MAPA 3 ASPIRE25 No Fin (This document will go no further in the process, but it is our understanding your office likes to have it as a reference point.)

- 2) Fact Sheet ASPIRE25 v6 (This document will go no further in the process, but it is our understanding your office likes to have it as a reference point.)

I will provide the comments, hearing transcript, and a spread sheet that helps to cross-reference them via Teams Chat as the sheer volume will exceed the attachments limits in Outlook.

For your review, I have attached the following documents:

- 1) APA checklist ASPIRE25A v2
- 2) Basis Statement ASPIRE25A v3
- 3) MAPA 1 ASPIRE25A v3
- 4) MAPA 4 ASPIRE25A v3
- 5) Summary and Responses to Comments ASPIRE25 v8
- 6) Rule Pages ASPIRE 25A (Clean) v5
- 7) Rule Pages ASPIRE 25A (TC All) v5
- 8) Rule Pages ASPIRE 25A (TC since proposed) v5 (This copy will go to the commissioner's office, but not to the secretary of state).

The Commissioner deadline to adopt the rule is December 18, 2020. We estimate that the Commissioner will need 2 weeks to review and adopt the rule. We would like to have your initial review of the rule no later than Thanksgiving to allow enough time for changes you may propose and review of same. We apologize for the short time frame. It has taken us quite a while to respond to the 302 comments.

Please let me know if you need additional information or documents for your review, thank you.

Sincerely,

Michael E. Downs  
Policy Senior Planner  
State of Maine  
Dept. Of Health and Human Services  
Office for Family Independence  
Ph (207) 624-4135  
Fx (207) 287-3455

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## Kreckel, Brendan D

---

**From:** Downs, Michael E  
**Sent:** Tuesday, November 3, 2020 12:32 PM  
**To:** Ray, Liz; Baer, Julian; Sturtevant, Timothy; Moncure, Halliday; Kreckel, Brendan D  
**Subject:** Downs, Michael E shared the folder "ASPIRE25 OFI OAG OneDrive" with you.

Here's the folder that Downs, Michael E shared with you.



This link only works for the direct recipients of this message.



ASPIRE25 OFI OAG OneDrive

Open



Microsoft respects your privacy. To learn more, please read our [Privacy Statement](#).  
Microsoft Corporation, One Microsoft Way, Redmond, WA 98052



**Kreckel, Brendan D**

---

**From:** Leach, Jonathan H  
**Sent:** Monday, June 22, 2020 8:46 AM  
**To:** Baer, Julian  
**Cc:** Downs, Michael E  
**Subject:** FW: Webform submission from: Rulemaking comments

I will forward each email I have received to date, and new ones as they come in.

*Jonathan Leach, MBA*

Compliance Analyst  
DHHS, Division of Licensing and Certification  
(207) 287-5825

---

**From:** drupal@informe.org <drupal@informe.org>  
**Sent:** Sunday, June 21, 2020 3:37 PM  
**To:** Leach, Jonathan H <Jonathan.H.Leach@maine.gov>  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Sun, 06/21/2020 - 15:36

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**

Working Cars for Working Families

**Name**

Sheri LeRoy  
GSL Alarms



**Comments**

NO NO NO - this is a horrible plan. I do not want it or condone it. Don't you think if people could afford upkeep, full coverage insurance tires, maintenance etc for a car, they would already have one? I am against this fully.

**Kreckel, Brendan D**

---

**From:** Leach, Jonathan H  
**Sent:** Monday, June 22, 2020 8:46 AM  
**To:** Baer, Julian  
**Cc:** Downs, Michael E  
**Subject:** FW: Webform submission from: Rulemaking comments

*Jonathan Leach, MBA*

Compliance Analyst  
DHHS, Division of Licensing and Certification  
(207) 287-5825

---

**From:** drupal@informe.org <drupal@informe.org>  
**Sent:** Sunday, June 21, 2020 4:02 PM  
**To:** Leach, Jonathan H <Jonathan.H.Leach@maine.gov>  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Sun, 06/21/2020 - 16:02

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**

ASPIRE Rule #25P - Working Cars for Working Families

**Name**

Nicole



**Comments**

This is an absolutely unnecessary and deceitful, not to mention disrespectful, thing to do to the hardworking people of Maine. Welfare should not a permanent long term, or even 2 year option, it should be a hand UP not a hand OUT. Taxpayers like myself and retired veterans like my husband have worked extremely hard to get to where we are today. How can you expect to build a great economy with hardworking people in Maine when you are encouraging folks to live the easy way? We need something called RESILIENCE. You are enabling those who are not willing to step up. This money will unfortunately go to the ones who are OVER privileged by living off the system. Instead, why not use the funds to help them seek training or education? We need more hard workers, not "get-by-ers" !!!

**Kreckel, Brendan D**

---

**From:** Leach, Jonathan H  
**Sent:** Monday, June 22, 2020 8:46 AM  
**To:** Baer, Julian  
**Cc:** Downs, Michael E  
**Subject:** FW: Webform submission from: Rulemaking comments

*Jonathan Leach, MBA*

Compliance Analyst  
DHHS, Division of Licensing and Certification  
(207) 287-5825

---

**From:** drupal@informe.org <drupal@informe.org>  
**Sent:** Sunday, June 21, 2020 4:07 PM  
**To:** Leach, Jonathan H <Jonathan.H.Leach@maine.gov>  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Sun, 06/21/2020 - 16:07

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**

Cars for welfare

**Name**

Lovia Koscinski



**Comments**

NO!NO!NO! Damn it - let them get it the way all of us hardworking tax paying people do!! Buy them a bicycle or a bus pass!

**Kreckel, Brendan D**

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**From:** Leach, Jonathan H  
**Sent:** Monday, June 22, 2020 8:47 AM  
**To:** Baer, Julian  
**Cc:** Downs, Michael E  
**Subject:** FW: Webform submission from: Rulemaking comments

*Jonathan Leach, MBA*

Compliance Analyst  
DHHS, Division of Licensing and Certification  
(207) 287-5825

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**From:** drupal@informe.org <drupal@informe.org>  
**Sent:** Sunday, June 21, 2020 6:31 PM  
**To:** Leach, Jonathan H <Jonathan.H.Leach@maine.gov>  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Sun, 06/21/2020 - 18:31

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**  
Aspire rule #25p

**Name**

Crystal Pease  
Crystal Pease



**Comments**

Maine has many seniors unable to afford vehicles along with food and meds. The people that need assistance (some of which do work 40+ hours a week) that barely make ends meet. I do not support this. This program is already broken and understaffed to keep this in check. I for one don't mind helping others but my taxpayer dollars are not funding this. We as Mainers should start filing exempt or 0 on our tax forms and not bother filing taxes if our money is just going to be used to help people that continually abuse the system. No thanks!!

## Kreckel, Brendan D

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**From:** Leach, Jonathan H  
**Sent:** Monday, June 22, 2020 8:47 AM  
**To:** Baer, Julian  
**Cc:** Downs, Michael E  
**Subject:** FW: Webform submission from: Rulemaking comments

*Jonathan Leach, MBA*

Compliance Analyst  
DHHS, Division of Licensing and Certification  
(207) 287-5825

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**From:** drupal@informe.org <drupal@informe.org>  
**Sent:** Sunday, June 21, 2020 8:37 PM  
**To:** Leach, Jonathan H <Jonathan.H.Leach@maine.gov>  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Sun, 06/21/2020 - 20:37


Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**

ASPIRE Rule #25P - Working Cars for Working Families

**Name**

john ryder  


**Comments**

I, as a taxpayer of the state of Maine, do not agree with this in any form

**Kreckel, Brendan D**

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**From:** Leach, Jonathan H  
**Sent:** Monday, June 22, 2020 8:47 AM  
**To:** Baer, Julian  
**Cc:** Downs, Michael E  
**Subject:** FW: Webform submission from: Rulemaking comments

*Jonathan Leach, MBA*

Compliance Analyst  
DHHS, Division of Licensing and Certification  
(207) 287-5825

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**From:** drupal@informe.org <drupal@informe.org>  
**Sent:** Monday, June 22, 2020 4:56 AM  
**To:** Leach, Jonathan H <Jonathan.H.Leach@maine.gov>  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Mon, 06/22/2020 - 04:55

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**

Working cars for working families

**Name**

Regina Cote



**Comments**

Where do I begin? As a working family, it's a struggle to pay for, and maintain a vehicle. With high fuel costs, and constant maintenance due to our horrible road conditions. Now add in insurance and registration costs. Frankly, as a taxpayer in this state, we are over burdened as it is, and I don't want to pay for this. As a state, we CAN'T AFFORD IT!!

## Kreckel, Brendan D

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**From:** Leach, Jonathan H  
**Sent:** Monday, June 22, 2020 8:47 AM  
**To:** Baer, Julian  
**Cc:** Downs, Michael E  
**Subject:** FW: Webform submission from: Rulemaking comments

*Jonathan Leach, MBA*

Compliance Analyst  
DHHS, Division of Licensing and Certification  
(207) 287-5825

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**From:** drupal@informe.org <drupal@informe.org>  
**Sent:** Monday, June 22, 2020 7:16 AM  
**To:** Leach, Jonathan H <Jonathan.H.Leach@maine.gov>  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Mon, 06/22/2020 - 07:16

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**

ASPIRE Rule #25P - Working Cars for Working Families

**Name**

Marisa Bethea



**Comments**

This rule has too many loopholes. Giving free stuff without earning the right is irresponsible and unintelligent. Use of public transportation should be required. Buy them tickets to ride.

**Kreckel, Brendan D**

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**From:** Leach, Jonathan H  
**Sent:** Monday, June 22, 2020 8:47 AM  
**To:** Baer, Julian  
**Cc:** Downs, Michael E  
**Subject:** FW: Webform submission from: Rulemaking comments

*Jonathan Leach, MBA*

Compliance Analyst  
DHHS, Division of Licensing and Certification  
(207) 287-5825

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**From:** drupal@informe.org <drupal@informe.org>  
**Sent:** Monday, June 22, 2020 7:39 AM  
**To:** Leach, Jonathan H <Jonathan.H.Leach@maine.gov>  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Mon, 06/22/2020 - 07:38

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**

Cars for working families program

**Name**

James Cruwys

James Cruwys



**Comments**

I don't support this at all. I save my money and have purchased over a dozen cars myself. I don't agree with your illegal tracking program either. You are violating our rights. You have no regard for the Constitution. I voted against you and will do it again.



**Kreckel, Brendan D**

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**From:** Baer, Julian  
**Sent:** Tuesday, June 23, 2020 11:14 AM  
**To:** Downs, Michael E  
**Subject:** FW: Webform submission from: Rulemaking comments

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**From:** drupal@informe.org <drupal@informe.org>  
**Sent:** Monday, June 22, 2020 9:55 PM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Mon, 06/22/2020 - 21:55

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**  
Aspire Working Cars for Working Families

**Name**  
Colleen Verreault



**Comments**

Why is this up for consideration now if it was in effect for budget years 2017-2018? Seems that with everything going on with shut downs due to COVID any available funds should be applied towards helping small businesses get back on their feet in order to provide employment opportunities for people. What exactly would cost \$6,000,000 if folks are paying for their own insurance and maintenance? How will this be monitored and rules enforced? There are many "commitments" for participants who will essentially get a car for \$2700 at the end of 2 years if they comply with their commitments. I have so many questions. How do these things come about without tax-payer knowledge?

## Kreckel, Brendan D

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**From:** Baer, Julian  
**Sent:** Tuesday, June 23, 2020 11:43 AM  
**To:** Downs, Michael E  
**Subject:** FW: Purchasing Cars for Welfare Recipients

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**From:** Farwell, Jackie <Jackie.Farwell@maine.gov>  
**Sent:** Monday, June 22, 2020 10:58 AM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** FW: Purchasing Cars for Welfare Recipients

Hi Julian,  
I'm passing this along.

Best,  
Jackie

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**From:** Farwell, Jackie  
**Sent:** Monday, June 22, 2020 10:57 AM  
**To:** Randy Corey <[gmancbp@icloud.com](mailto:gmancbp@icloud.com)>  
**Subject:** RE: Purchasing Cars for Welfare Recipients

Hi Randy,  
Thank you for your email, which I believe is in reference to [ASPIRE Rule #25P](#) - Working Cars for Working Families. We'll record this as a public comment submission for this proposed rule.

Best,  
Jackie

---

**From:** Randy Corey <[gmancbp@icloud.com](mailto:gmancbp@icloud.com)>  
**Sent:** Monday, June 22, 2020 10:26 AM  
**To:** Farwell, Jackie <[Jackie.Farwell@maine.gov](mailto:Jackie.Farwell@maine.gov)>  
**Subject:** Purchasing Cars for Welfare Recipients

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

I'm contacting you in regards to the decision made by Governor Mills to use approximately 6 million dollars to purchase cars for people on welfare, as reported by the Maine People Before Politics. We have small business's in this state that have closed their doors for good due to the executive orders by Governor Mills. We are at a state where future revenues are in jeopardy because of the Covid-19 pandemic. The budgets of Kennebec County saw large increases in their budget proposals due to the loss and uncertainty of state revenues and the legislative body not being in session to appropriate funds. Therefore placing a greater tax burden on taxpayers in a time of financial uncertainty. This is a financially bad decision to use these funds to purchase vehicles for people. In my lifetime I have never seen such a irresponsible appropriation of taxpayer money. The state is one of the states that have the highest population of older citizens, due to an exodus of young adults leaving this state. The actions such as this is why this state has such a high tax rate and lower wages. I moved back here from another

state with my wife in retirement and we are now discussing putting our home up for sale and leaving this state, to reside in a state with lower taxes and a state which spends our tax dollars responsibly.

Randy Corey

[REDACTED]

[REDACTED]

[REDACTED]

Randy Corey

[REDACTED]

[REDACTED]

[REDACTED]

## Kreckel, Brendan D

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**From:** Baer, Julian  
**Sent:** Tuesday, June 23, 2020 12:06 PM  
**To:** Downs, Michael E  
**Subject:** FW:

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**From:** Farwell, Jackie <Jackie.Farwell@maine.gov>  
**Sent:** Monday, June 22, 2020 4:12 PM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** FW:

And another.

---

**From:** Farwell, Jackie  
**Sent:** Monday, June 22, 2020 4:12 PM  
**To:** 'gmjames52@outlook.com' <[gmjames52@outlook.com](mailto:gmjames52@outlook.com)>  
**Subject:** RE:

Hello,

Thank you for your email, which I believe is in reference to [ASPIRE Rule #25P](#) - Working Cars for Working Families. We'll record this as a public comment submission for this proposed rule.

Best,  
Jackie

---

**From:** [gmjames52@outlook.com](mailto:gmjames52@outlook.com) <[gmjames52@outlook.com](mailto:gmjames52@outlook.com)>  
**Sent:** Sunday, June 21, 2020 5:42 PM  
**To:** Farwell, Jackie <[Jackie.Farwell@maine.gov](mailto:Jackie.Farwell@maine.gov)>  
**Subject:**

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

This is the most egregious waste of tax dollars I have ever heard of. It is an insult to any hard working Mainer that has had to scrimp and save to afford their own vehicle. The rules are vague and enforcement will be impossible. Don't spend my taxes on this outrageously ridiculous give away!

## Kreckel, Brendan D

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**From:** Baer, Julian  
**Sent:** Tuesday, June 23, 2020 12:05 PM  
**To:** Downs, Michael E  
**Subject:** FW: Free Cars

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**From:** Farwell, Jackie <Jackie.Farwell@maine.gov>  
**Sent:** Monday, June 22, 2020 3:47 PM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** FW: Free Cars

And another, thanks Julian.

---

**From:** Farwell, Jackie  
**Sent:** Monday, June 22, 2020 3:47 PM  
**To:** [wdurgin@yahoo.com](mailto:wdurgin@yahoo.com)  
**Subject:** RE: Free Cars

Hello,

Thank you for your email, which I believe is in reference to [ASPIRE Rule #25P](#) - Working Cars for Working Families. We'll record this as a public comment submission for this proposed rule.

Best,  
Jackie

---

**From:** Wayne Durgin <[wdurgin@yahoo.com](mailto:wdurgin@yahoo.com)>  
**Sent:** Monday, June 22, 2020 1:54 PM  
**To:** Farwell, Jackie <[Jackie.Farwell@maine.gov](mailto:Jackie.Farwell@maine.gov)>  
**Subject:** Free Cars

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hi Jackie, I've recently learned of the plan of giving cars away. Never heard anything so out landis. If people need help give them help. Not a car that won't be maintained. Please try and get this rethought. Thank you

[Sent from Yahoo Mail on Android](#)

Transcript of Comment on ASPIRE 25P received from (207) 485-7891 Monday June 22, at 4:15 PM.

Good afternoon,

I'm calling on Monday, the 22<sup>nd</sup> of June.

Hi,

My name is Pat Bowman. I live in Winslow, and I'm calling about policy 25P, Working Cars for Working Families. I strongly oppose this expenditure, planned in the \$6,000,000 ballpark, at a time when the State of Maine is facing dire economic conditions for some extended period of time. Too many people out of work. Too many businesses still closed down. There's no ... There's insufficient oversight to manage this program once vehicles are purchased. I can't emphasize enough how strongly I oppose this proposal by Governor Mills. If she has difficulty in finding a place to spend \$6,000,000 at this point, I can tell you there are people who haven't received the stimulus bail out money first round at this point and businesses are closing every day or choosing not to re-open. This is not the time to buy cars for people who aren't currently unemployed. They would need to seek assistance from other programs that are currently available. I... I do not want to see \$6,000,000 going to this ill-prepared program.

Thank you for listening,

Bye-bye.

**Kreckel, Brendan D**

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**From:** Baer, Julian  
**Sent:** Tuesday, June 23, 2020 12:10 PM  
**To:** Downs, Michael E  
**Subject:** FW: Webform submission from: Rulemaking comments

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**From:** drupal@informe.org <drupal@informe.org>  
**Sent:** Monday, June 22, 2020 7:30 PM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Mon, 06/22/2020 - 19:29

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**  
ASPIRE Rule #25P -

**Name**

Ed Perry  
Ed Perry



**Comments**

I am against this change.

**Kreckel, Brendan D**

---

**From:** Baer, Julian  
**Sent:** Tuesday, June 23, 2020 1:49 PM  
**To:** Downs, Michael E  
**Subject:** FW: Webform submission from: Rulemaking comments

---

**From:** drupal@informe.org <drupal@informe.org>  
**Sent:** Tuesday, June 23, 2020 9:45 AM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Tue, 06/23/2020 - 09:45

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**

Aspire 25 working cars for working families

**Name**

Nick



**Comments**

How about set up families with public transportation. After the individual as a sustainable job they can start putting their own money aside and purchase their own vehicle. I have to pass drug test and support my own home and vehicle needs all on my own. I get zero tax break from the state and I work 40+ hours a week and still break even on my state taxes at the end of the year. If you keep handing people free things they will never have any pride in anything they "own" and will not respect it. Look at all the low income housing the buildings are trashed. I have seen first hand the vehicles that are supplied for the "needy" and they do nothing to maintain them. Zero pride in anything they have and that's why they don't have a job because they don't care what their performance looks like.



**Kreckel, Brendan D**

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**From:** Baer, Julian  
**Sent:** Wednesday, June 24, 2020 8:07 PM  
**To:** Downs, Michael E  
**Subject:** Fwd: Webform submission from: Rulemaking comments

Julian Baer  
Maine DHHS  
207-458-6442

---

**From:** drupal@informe.org <drupal@informe.org> on behalf of Department of Health and Human Services <drupal@informe.org>  
**Sent:** Wednesday, June 24, 2020 7:59:23 PM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Wed, 06/24/2020 - 19:59

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**  
Working cars for working families

**Name**  
Aspire 25P



**Comments**

After reading the rule, I would suggest that the state of Maine become the lienholder, reasoning being that we know that Maine people sell their EBT cards when the rules state they cannot engage in such behavior. Having the state be the lienholder would prevent people from selling and pocketing the money from said sale. If the state refuses to prosecute people who sell their EBT cards, why would we believe the state would follow through with penalize people who sell their cars.

## Kreckel, Brendan D

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**From:** drupal@informe.org on behalf of Department of Health and Human Services <drupal@informe.org>  
**Sent:** Thursday, June 25, 2020 10:56 AM  
**To:** Baer, Julian  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Thu, 06/25/2020 - 10:56

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**  
Free cars for welfare people/

### Name

Thomas McLaughlin



### Comments

This has got to be the worst giveaway program I have ever heard of. I know personally welfare people that will not go to work cause they will loose all their free benies. This is a slap in the face for people that do work and buy their own cars. Instead of helping the dead beats help the working people of this state. Stop this absurd program now.

## Kreckel, Brendan D

---

**From:** drupal@informe.org on behalf of Department of Health and Human Services <drupal@informe.org>  
**Sent:** Thursday, June 25, 2020 10:58 AM  
**To:** Baer, Julian  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Thu, 06/25/2020 - 10:57

Submitted by: Anonymous

Submitted values are:

### Rule you are commenting on

Cars for welfare

### Name

Kim Young



### Comments

We the working people need the help that she is. Giving to the. Welfare. They dont need cars when they dont work their paycheck cines in the mail and their food stamp card. Does also.

**Kreckel, Brendan D**

---

**From:** drupal@informe.org on behalf of Department of Health and Human Services <drupal@informe.org>  
**Sent:** Thursday, June 25, 2020 11:36 AM  
**To:** Baer, Julian  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Thu, 06/25/2020 - 11:36

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**

Car for welfare/illegals

**Name**

Ann Page

Ann Page



**Comments**

This is a terrible idea. I am completely against it. Frivolous waste of taxpayer's money.

**Kreckel, Brendan D**

---

**From:** drupal@informe.org on behalf of Department of Health and Human Services <drupal@informe.org>  
**Sent:** Thursday, June 25, 2020 12:05 PM  
**To:** Baer, Julian  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Thu, 06/25/2020 - 12:04

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**

Maine Department of Health and Human Services is proposing to implement a program called "Working Cars for Working Families

**Name**

[REDACTED]

**Comments**

I cannot afford to purchase a NEW car... I live on my SSI (\$699 after paying for medicare ins) and work two part-time jobs in order to maintain my apartment and 2001 vehicle, utilities, groceries and day to day living expenses. The current vehicle can no longer be inspected and I need to purchase a USED vehicle for around \$6,000 in which I will use life savings of \$2,500 and the remaining \$3,500 on my credit card! So pardon me if I am angry about this program providing NEW vehicles to working families when I, a single person, goes without in order to purchase a USED vehicle... of which I am still looking for! Way to go Maine... that money is coming out of paying tax payers!

**Kreckel, Brendan D**

---

**From:** drupal@informe.org on behalf of Department of Health and Human Services <drupal@informe.org>  
**Sent:** Thursday, June 25, 2020 1:09 PM  
**To:** Baer, Julian  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Thu, 06/25/2020 - 13:08

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**

#25p

**Name**

Stephen Dahlbergh



**Comments**

What's going to keep these families from selling these cars for profit? Are gas cards free too? Is insurance free too?

**Kreckel, Brendan D**

---

**From:** drupal@informe.org on behalf of Department of Health and Human Services <drupal@informe.org>  
**Sent:** Thursday, June 25, 2020 1:09 PM  
**To:** Baer, Julian  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Thu, 06/25/2020 - 13:08

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**

ASPIRE Rule #25P - Working Cars for Working Families

**Name**

Michelle Mason Webber



**Comments**

This program should not be put into place. Although it is CURRENTLY funded with federal money, it will create another program that needs office space & equipment, staffing, fringe benefits, etc. to administer. Once the federal money runs out, the politics in this state will want it to continue and so we will have to budget money from state coffers to keep it going. Since the pandemic has hit state, local and individual budgets hard, now is not the time to launch such a program. Low-income people (and I have been one of them) find ways to get to work if they don't have a working vehicle (friends and family often step in), and we have more public transportation available in this state than we used to. We need to be conservative and fiscally responsible to ALL Maine citizens, businesses and communities.

## Kreckel, Brendan D

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**From:** drupal@informe.org on behalf of Department of Health and Human Services <drupal@informe.org>  
**Sent:** Thursday, June 25, 2020 1:52 PM  
**To:** Baer, Julian  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Thu, 06/25/2020 - 13:51

Submitted by: Anonymous

Submitted values are:

### **Rule you are commenting on**

Working Cars for Working Families

### **Name**

James Mason Shives



### **Comments**

As John F Kennedy, Democrat, said.... Ask not what your country can do for you, but what you can do for your country. Isn't the bus system in part to help those without vehicles?



**Kreckel, Brendan D**

---

**From:** drupal@informe.org on behalf of Department of Health and Human Services <drupal@informe.org>  
**Sent:** Thursday, June 25, 2020 2:26 PM  
**To:** Baer, Julian  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Thu, 06/25/2020 - 14:26

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**  
working cars for working families?

**Name**

Greg



**Comments**

Are these NEW cars?  
They should be USEDUSED  
Value?

**Kreckel, Brendan D**

---

**From:** drupal@informe.org on behalf of Department of Health and Human Services <drupal@informe.org>  
**Sent:** Thursday, June 25, 2020 3:04 PM  
**To:** Baer, Julian  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Thu, 06/25/2020 - 15:03

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**

Do we have to sign up for it?

**Name**

Kaitlin Lagueux

Northeast Residential Services



**Comments**

How do we sign up for it?

**Kreckel, Brendan D**

---

**From:** drupal@informe.org on behalf of Department of Health and Human Services <drupal@informe.org>  
**Sent:** Thursday, June 25, 2020 3:56 PM  
**To:** Baer, Julian  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Thu, 06/25/2020 - 15:56

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**

Working cars for working families

**Name**

[REDACTED]

**Comments**

Maine had a similar program called "Good wheels program" which was run through community concepts I think! That was the worst program put together by a bunch of folks that were lining their own pockets without actually taking care of the vehicles they sold to people that needed them. We had received one of these vehicles and within the first 72 hours the vehicle had blown a transmission I was in Salisbury mass on my way back to Maine from work in Malden mass. Once they finally towed the piece of junk 12 year old vehicle they sold is for almost 4000 dollars they had the guys to call me and tell me that my vehicle was a mess and that I needed to take better care of it. This vehicle broke down out of state at 11 pm. The last thing I was going to do was clean the vehicle out considering my family was 3 hrs away and had to come get me. Once fixed they returned the vehicle to us and within 90 days the transmission went again. We called them back and they to ld us we were on our own with it. So I then put my own transmission in the van out of pocket. This is just another crooked Maine state program. The team should investigate Dhhs they're behind this with Janet mills

**Kreckel, Brendan D**

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**From:** drupal@informe.org on behalf of Department of Health and Human Services <drupal@informe.org>  
**Sent:** Thursday, June 25, 2020 5:02 PM  
**To:** Baer, Julian  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Thu, 06/25/2020 - 17:01

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**

ASPIRE Rule #25P - Working Cars for Working Families

**Name**

Ryan Wing



**Comments**

This is an awful idea. I have had to scramble get second jobs to buy cars and continue to make payments. Handing a car to some one is going to do nothing, they will put gas in it when they feel like it use it lets their friends use it destroy it and they when time comes the cars will be repossessed and we will just have a flood of junk cars that the cash for clunkers program managed to get off the road and cleared out. Talk about rolling back the dice. WOW Stop handing out stuff get people back to work and off the government it is supposed to be a lifeline not a lifestyle. CARS for Couch potatoes! There are jobs everywhere in my town that are easily walking distance, we are already clothing these people, I think they can pick out a better pair of shoes and get to a job somewhere. I had to!

**Kreckel, Brendan D**

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**From:** drupal@informe.org on behalf of Department of Health and Human Services <drupal@informe.org>  
**Sent:** Thursday, June 25, 2020 5:54 PM  
**To:** Baer, Julian  
**Subject:** Webform submission from: Rulemaking comments

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Submitted on Thu, 06/25/2020 - 17:54

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**

Money for cars

**Name**

Rebekah Jardine-Belanger  
Hands on Reiki



**Comments**

I want a running car. Why am I struggling to keep my car in working condition so that I can go to work to support myself and disabled husband.

We do not receive any state or government assistance and our lot fees have gone up every year.

Why don't you support those people who work? Giving assistance to those who help themselves would be in the best interest of our state.

This is a bad idea. Help Mainers who work but don't quite make ends meet. Have you even seen the prices of food, meats and fruits/veggies?

You not only gave an extra 600.00 to unemployed workers but also increased it for those who were previously on unemployment AND to prisoners. Sinful. The lower-middle class Mainers are struggling and dying a slow death and you want to give cars out to work?? We are working...we don't get any cars. Are you paying for their registrations and insurance too? Look after all Mainers.

**Kreckel, Brendan D**

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**From:** drupal@informe.org on behalf of Department of Health and Human Services <drupal@informe.org>  
**Sent:** Thursday, June 25, 2020 9:11 PM  
**To:** Baer, Julian  
**Subject:** Webform submission from: Rulemaking comments

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Submitted on Thu, 06/25/2020 - 21:10

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**  
CARS FOR LOSERS

**Name**

Lee Wang



**Comments**

This cars need to be of very specific color. So if I see one I can scream - Hey look everybody is a free ride. You people are pathetic!

**Kreckel, Brendan D**

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**From:** drupal@informe.org on behalf of Department of Health and Human Services <drupal@informe.org>  
**Sent:** Friday, June 26, 2020 8:49 AM  
**To:** Baer, Julian  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Fri, 06/26/2020 - 08:49

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**  
Working cars for working families

**Name**

Michelle Tibbetts



**Comments**

This is insane! Although the funds are federal not state, it is still our tax dollars paying for this. Why are the hardworking, just above the welfare limit people punished for working? We should encourage people to support themselves rather than rely on others to assist them with everything. We as a state are way too generous for too long a period of time. Where is the incentive for them to get off welfare and support themselves. Give a man a fish, he'll eat for a day. Teach him to fish, he'll eat his whole life. Not in favor of this!!

## Kreckel, Brendan D

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**From:** drupal@informe.org on behalf of Department of Health and Human Services <drupal@informe.org>  
**Sent:** Friday, June 26, 2020 10:37 AM  
**To:** Baer, Julian  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Fri, 06/26/2020 - 10:36

Submitted by: Anonymous

Submitted values are:

### **Rule you are commenting on**

ASPIRE Rule #25P - Working Cars for Working Families

### **Name**

Michele Smith  


### **Comments**

On the end of all that has been lost due to the covid response by the state of Maine, and giving that we still actually live in the United States of America, taking monies that belong to the 'people' and passing it on as free cars to others is not a good idea. I completely disagree with this 'rule', and since it is taking from monies that 'we the people' pay to run the state, I believe our votes against it should count. I do not want this rule to pass.



## Kreckel, Brendan D

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**From:** drupal@informe.org on behalf of Department of Health and Human Services <drupal@informe.org>  
**Sent:** Friday, June 26, 2020 5:34 PM  
**To:** Baer, Julian  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Fri, 06/26/2020 - 17:34

Submitted by: Anonymous

Submitted values are:

### Rule you are commenting on

Aspire 25

### Name

Judy Cyr



### Comments

I'm sorry, NO! If you can afford the latest cell phone and outrageous bill, you can afford a car. Priorities people!

## Kreckel, Brendan D

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**From:** drupal@informe.org on behalf of Department of Health and Human Services <drupal@informe.org>  
**Sent:** Friday, June 26, 2020 11:31 PM  
**To:** Baer, Julian  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Fri, 06/26/2020 - 23:31

Submitted by: Anonymous

Submitted values are:

### Rule you are commenting on

25P

#### Name

Donna Hoitt



#### Comments

This is ridiculous! There are a lot of people who work and can barely maintain their own cars. Federal funds are still my tax dollars. Expand public transportation. Giving people handouts will never teach them the value of something they've actually had to work and sacrifice for.

## Kreckel, Brendan D

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**From:** drupal@informe.org on behalf of Department of Health and Human Services <drupal@informe.org>  
**Sent:** Saturday, June 27, 2020 10:30 AM  
**To:** Baer, Julian  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Sat, 06/27/2020 - 10:29

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**  
#25p

### **Name**

Reginald Stratton  
Reginald Stratton



### **Comments**

This bill does not have my approval as a law abiding tax payer. If people are enabled by bills such as this they will never break free from government hand outs. Get your own job, buy your own car that is the American way. Quit wasting our monies on people who can stand on their own two feet.

## Kreckel, Brendan D

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**From:** drupal@informe.org on behalf of Department of Health and Human Services <drupal@informe.org>  
**Sent:** Saturday, June 27, 2020 4:23 PM  
**To:** Baer, Julian  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Sat, 06/27/2020 - 16:22

Submitted by: Anonymous


Submitted values are:

### Rule you are commenting on

Working Cars for Working Families proposal/program

### Name

Judith Crosby



### Comments

The Maine Department of Health and Human Services is proposing to implement a program called "Working Cars for Working Families," and it comes with a \$6 million price tag. There are reportedly a lot of terms and conditions in the 12 page proposal. I understand Working Cars for Working Families was passed by the Maine legislature in 2017 and signed by Governor LePage, who chose not to implement it. Additionally, the Mills administration is following state law by proposing rules to launch the program, which is set to expire in 2022. If funding runs out before then, the rules lay out a few options, like taking no new applications, as well as reducing or terminating the program.

The Working Cars for Working Families program which Governor Janet Mills is ready to implement, supposedly requires "no state general fund dollars." I have a few questions:

1. Is the program funded entirely by federal dollars or does some of the money come from a Maine fund other than the "general fund?" (There are more costs to implementing the program other than purchasing vehicles and/or paying for public transportation.)
2. Is the money to purchase the cars paid for entirely with federal funds?
3. Specifically, what are the state laws the Governor is following by proposing rules to launch the program?
4. Where can Maine residents read this 12 page proposal, complete with rules, which are related to the program DHHS and Governor Mills are proposing to launch?
4. If the funding runs out before 2022 what are ALL the rules and options?
5. Given the situation with reduced work force due to the pandemic, realistically, how closely monitored can the Working Cars for Working Families program be?
6. Who will monitor the program? Sadly, DHHS sees to have their hands full with more pressing matters such as child welfare and safety, to name just a few.

It appears this program will be slipped through when our Legislature is not in session. I find deplorable the fact there is

no scheduled public hearing and would expect Maine people have a right to weigh in on this issue. \$6 million is a lot of money!

## Kreckel, Brendan D

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**From:** drupal@informe.org on behalf of Department of Health and Human Services <drupal@informe.org>  
**Sent:** Sunday, June 28, 2020 9:02 PM  
**To:** Baer, Julian  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Sun, 06/28/2020 - 21:01

Submitted by: Anonymous

Submitted values are:

### Rule you are commenting on

25P

#### Name

Cindy Rothweiler

Cindy Rothweiler



#### Comments

As a taxpayer, this seems like a really bad idea. How about something that makes more sense and instills a sense of responsibility? Provide loaner cars or Uber vouchers until employment is obtained, and once income is verified, low or no interest loans to actually purchase cars.

These "freebie" programs are breaking the backs of the property tax paying citizens.

As my mother used to say, "things aren't appreciated that are given, not earned".

Also wouldn't this be incentive to stay employed?

Like we all have to?

## Kreckel, Brendan D

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**From:** drupal@informe.org on behalf of Department of Health and Human Services <drupal@informe.org>  
**Sent:** Monday, June 29, 2020 5:44 AM  
**To:** Baer, Julian  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Mon, 06/29/2020 - 05:44

Submitted by: Anonymous

Submitted values are:

### Rule you are commenting on

Aspire Rule #25P

### Name

Kim M . Mercier



### Comments

It is not the job of the government to be provided cars to welfare recipients so they can get to work. By giving a car with no strings attached, that person has no dog in the fight. They can even sell it without retribution! That's insane. This program will be busy within a year and you'll be selling the cars for scrap. NO!

**Kreckel, Brendan D**

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**From:** drupal@informe.org on behalf of Department of Health and Human Services <drupal@informe.org>  
**Sent:** Tuesday, June 30, 2020 3:08 PM  
**To:** Baer, Julian  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Tue, 06/30/2020 - 15:07

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**

ASPIRE Rule #25P - Working Cars for Working Families

**Name**

[REDACTED]

**Comments**

I am very interested & in need of this Working Cars for Working Families program. Do I have to be part of ASPIRE and/or have a child(ren) to qualify?



**Kreckel, Brendan D**

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**From:** drupal@informe.org on behalf of Department of Health and Human Services <drupal@informe.org>  
**Sent:** Thursday, June 25, 2020 8:18 AM  
**To:** Baer, Julian  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Thu, 06/25/2020 - 08:18

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**

Working Cars for Working Families

**Name**

Sarah M Mulcahy



**Comments**

I do not support this proposed program. I myself worked without a car for two years, walking, biking, or having a family member drive me to work while I saved up to buy a car of my own, which I eventually did. I was careful with my spending and earned good credit so I could take out a loan on a new car when I was ready. People do NOT need to government to help them get a car; they need to be personally responsible and sensible with their budget. We do not need the state to spend MORE money on programs that are not needed. A program isn't needed; personal responsibility and financial smartness is needed.

**Kreckel, Brendan D**

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**From:** Baer, Julian  
**Sent:** Wednesday, July 1, 2020 7:32 PM  
**To:** Downs, Michael E  
**Subject:** FW: Webform submission from: Rulemaking comments

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**From:** drupal@informe.org <drupal@informe.org>  
**Sent:** Wednesday, July 01, 2020 7:08 PM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Wed, 07/01/2020 - 19:07

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**

Cars for working families

**Name**

Jon Whited

Jon Whited

Jon Whited



**Comments**

This need to be voted on. This is waist of tax payers money. Please stop the governor



## Public Comments on ASPIRE Rule #25P - Working Cars for Working Families Program

Submitted by:

Julie Dumont Rabinowitz  
Director of Policy and Communication  
Maine People Before Politics  
P.O. Box 393  
Augusta, ME 04332  
[Julie@mainepbp.com](mailto:Julie@mainepbp.com)  
Phone/Fax: (207) 292-2722

When this program was first proposed in the Legislature and passed in the state budget in 2017, Maine's economy was not only roaring, the state was facing a workforce shortage. Today, the state is confronting a global pandemic—the managing of which falls to DHHS as the lead agency, and record unemployment. As a result of measures ordered to slow the spread of the Coronavirus, a record-breaking recession is predicted to hit Maine worse than any state except perhaps Nevada.

The ramifications for the state's budget have not yet been fully assessed, but the Mills Administration's own initial estimates, not only presented to the Appropriations and Financial Affairs Committee but also submitted to the state's Congressional delegation, are that the state will experience a \$3 Billion budget gap created by both new COVID-related expenses and budget shortfalls due to sharp declines in sales, income, corporate, and gas tax revenues.

Whereas the state in 2017 may have had a compelling interest in getting people to work, today, the state's compelling interest should be to preserve resources that may be needed by Maine's families devastated by the recent economic fallout and the closure, either temporarily or permanently, of hundreds of Maine businesses.

### **Overarching Concerns**

This program, as drafted, incentivizes people to stay on welfare. Under these rules, a person could end up owning a car worth \$10,000 (or even \$30,000 or greater value) for a total of \$2,700 after two years. Say, for example, that an employer offers that participant a \$4,000 or \$5,000 raise and promotion (that would make the person program-ineligible) after that participant has been in the car program a year, and still owes \$1,200 on the vehicle. As drafted, this program increases the likelihood that the participant would turn down the promotion or encourage their employer to not even offer it, preferring to stay on welfare in order to keep the car, the low car payments and to achieve full ownership of the vehicle in a year. The rules don't provide for a buy-out or alternative payment plan in this situation, and without the car the person may not be able to get to work.

Increased earnings have a net-positive effect on workers' long-term Social Security benefits. The proposed Working Cars for Working Families program incentivizes people to stay on welfare and avoid opportunities that would be better for themselves and their family in the long term.

Furthermore, although the governing statute and the rules authorize the department to use the allocation to include other transportation options, "Such options may include, without limitation—furnishing

purchased or donated vehicles to participants; coordinating public or private transportation; facilitating car shares among participants; ride or shuttle service; or providing driver instruction or education,” the rules as drafted fail to address how alternatives to vehicle ownership would be implemented.

### **Program Administration Concerns**

The statute specifically states that the program will provide: “access to reliable, affordable transportation,” but the rules as written do not address either factor. The rules as proposed are mostly about participant eligibility, not how DHHS or its contractor will assure that the cars are working and that the cars provided to the participating individual are affordable to maintain. The statute also specifically requires the rules address “administration requirements,” and the rules are exceptionally vague on those points.

Maine People Before Politics believes the rules do not fully address the following issues related to the administration of the program and the statute’s requirement that the vehicles will be affordable and reliable:

- No limits or specifications for the types of vehicles that can be used.
- No limits on the value of the vehicles obtained for the program or whether they are new or used.
- Although the rules allow for donations, there are no guidelines in the rules providing a framework for accepting and evaluating donations prior to transferring to the participant, what do with donations that don’t meet the standard of “reliable” or “affordable,” or high-value donated vehicles.
- No established ratio of donations versus purchased vehicles that would be used (e.g., a goal or limit to have 60% donated vehicles and only 40% purchased).
- No rules regarding solicitation of donations or limits on the money that can be spent to solicit donations (e.g., advertising on TV or radio for donations).
- No threshold of the percentages of the \$6 million that can be used for purchasing vehicles, pay for vehicle repairs prior to transfer to the participant, or the staffing and management of the program and other overhead costs.
- No standards or procedures as to how purchased cars will be procured or assessed for reliability if used, either prior to the purchase or prior to transferring to the participant.
- No set-aside or rules governing the limit on the cost of repairs that would need to be done before turning over a vehicle to a participant (e.g., a limit on repairs could be 30% of the value of the car at the time of donation).
- No “lemon law” provision if the vehicle provided a participant turns out to have excessive repair issues.
- No exclusions of donated high-end or luxury vehicles for which average or routine repairs would be cost-prohibitive for an ASPIRE participant.
- No requirement that donated cars of a certain high value be sold and the proceeds used to buy two (or more) vehicles to meet the needs of more participants.
- Lack of oversight regarding car accidents in situations where the participant is at fault or not at fault and how such accidents will affect eligibility. For example, if the car is totaled but the driver-participant is found not to be at fault, do they remain eligible for another car? If so, do they start their payments back at the beginning with a new down payment, or pick up payments where they left off?
- Lack of clarity around a participant becoming ineligible while in possession of the car and how the program would repossess the car and the title. For example, in a case where the participant is cited for a moving violation that would make them ineligible, the rules do not indicate the

procedures for returning the vehicle to the agency, the time frame, and whether the individual can continue to drive the vehicle while it is still in their possession.

- Lack of clarity around the justification for the title transfer and lack of liens. The use of liens would better ensure accountability and be more likely to prevent unauthorized transfer or sale of the vehicle.
- No specification that if an electric vehicle is donated or purchased, whether the program is authorized to pay for a charging station to be installed at the individuals' home or workplace, and any restrictions on the use of that charging station by others. If the individual moves, is a second charging station authorized? If the individual rents and moves away from the lodging where a charging station was installed, is the landlord required to reimburse the program for the value of the charging station?
- No restriction on how long the participant must keep the car after "graduating" from the program and subsequent program participation. For example, is the participant required to keep the car, and keep it in working condition, as long as the person continues to participate in TANF/ASPIRE, or can the participant sell the car immediately after graduation? If the participant sells the car after graduating, are they eligible to participate a second time in the program?
- No indication of whether there are federal or state income tax implications for the participant if, upon graduation, they now own the vehicle with a value exceeding what they paid for the vehicle.

### **Violations of the Rules**

The rules lack clarity around how DHHS or its contracting organization will monitor the compliance and identify violations of the program's requirements. For example, a commitment to use the "vehicle primarily for purposes of commuting to and from work" seems unenforceable without further definition of "primarily" and a delineation of acceptable secondary uses. For example, trips to the grocery store may be permissible. Examples of non-allowable uses could include such uses as trips to casinos or out-of-state vacations.

Under the Section "VII. PARTICIPATION AND CONTINUED ELIGIBILITY REQUIREMENTS," the proposed rules lack monitoring requirements and standards for the commitments the participant is required to make to the department in order to remain eligible. For example, A(4)h. requires "A commitment to report any accidents, thefts, or similar types of incidents involving the vehicle to law enforcement immediately." The department fails to define "immediately." The department also, and significantly, fails to require that the incident be reported to the department and fails to specify a deadline for when that report must be made.

In A(4)o. "A commitment to immediately return the vehicle to the Department upon demand, for failure to comply with the terms of the Agreement or the rules of the Program, including transferring title to the Department where applicable," the department fails to delineate the steps it will take to repossess a vehicle and/or a title when a participant is in noncompliance and fails to return the vehicle on demand. It appears that the department's only recourse is VII. C (4), where the department is authorized to pursue an Intentional Program Violation for the value of the vehicle.

The rules also are inadequate in pursuing significant violations of the program, namely the sale of the vehicle without written authorization from DHHS.

Under Maine law, a prosecution for welfare fraud is not the equivalent of a prosecution for car theft. Welfare fraud prosecution falls under a different statute with a specified punishment.

## **Welfare Fraud Prosecution**

### **Title 17-A: MAINE CRIMINAL CODE**

#### **Part 2: SUBSTANTIVE OFFENSES**

##### **Chapter 37: FRAUD** <https://legislature.maine.gov/statutes/17-A/title17-Asec905-C.html>

“§905-C. Misuse of public benefits instrument

1. A person is guilty of misuse of a public benefits instrument if the person knowingly:
  - A. Transfers a public benefits instrument without authorization of the agency issuing the instrument; or
  - B. Obtains or possesses a public benefits instrument that was obtained without authorization of the agency issuing the instrument.
2. As used in this section, "public benefits instrument" means electronic benefits transfer cards, coupons, vouchers and any other means for distributing benefits from the following programs:
  - A. The municipal general assistance program under Title 22, chapter 1161;
  - B. The TANF program under Title 22, chapter 1053-B;
  - C. The statewide food supplement program under Title 22, section 3104;
  - D. The child care subsidies under Title 22, chapter 1052-A; or
  - E. The Women, Infants and Children Special Supplemental Food Program of the United States Child Nutrition Act of 1966.
3. Misuse of a public benefits instrument is a Class D crime.”

## **Theft (including automobile theft)**

### **Title 17-A: MAINE CRIMINAL CODE**

#### **Part 2: SUBSTANTIVE OFFENSES**

##### **Chapter 15: THEFT** <https://legislature.maine.gov/statutes/17-A/title17-Asec353.html>

“§353. Theft by unauthorized taking or transfer

1. A person is guilty of theft if:
  - A. The person obtains or exercises unauthorized control over the property of another with intent to deprive the other person of the property. Violation of this paragraph is a Class E crime;
  - B. The person violates paragraph A and:
    - (1) The value of the property is more than \$10,000. Violation of this subparagraph is a Class B crime;
    - (2) The property stolen is a firearm or an explosive device. Violation of this subparagraph is a Class B crime;
    - (3) The person is armed with a dangerous weapon at the time of the offense. Violation of this subparagraph is a Class B crime;
    - (4) The value of the property is more than \$1,000 but not more than \$10,000. Violation of this subparagraph is a Class C crime;
    - (5) The value of the property is more than \$500 but not more than \$1,000. Violation of this subparagraph is a Class D crime; or . . .”

As one can see, the punishments under the statutes governing car theft are vastly different, with the theft being a felony conviction. Car theft’s punishment would depend on the value of the auto, and could be either a Class C or B crime: both felonies (Class C: Crimes punishable by up to 5 years incarceration and a \$5,000 fine. Class B: Crimes punishable by up to ten years incarceration and a \$20,000 fine). Whereas welfare fraud is a misdemeanor Class D crime (Class D: Crimes punishable by up to 364 days incarceration and a \$2,000 fine) and is prosecuted under a different section of the criminal code.

Because the rules as drafted put no limits on the value of the vehicles provided to participants, it could easily be that an unauthorized sale would be the equivalent of a Class B crime, with a vehicle value of at least \$10,000 at the time of transfer to the participant.

Therefore, in the case of the Working Cars for Working Families program as proposed, prosecution for car theft would not only more closely reflect the loss of state's (and taxpayers') investment in the vehicle, it would be a much greater deterrent of a participant transferring the car without written authorization than prosecution for welfare fraud.

### **Conclusion**

Right now, Maine's situation in the pandemic is fluid and evolving.

If the Mills Administration believes that this program has value for rural Maine residents, at minimum it needs to add significant administrative oversight requirements for reliability and affordability, program administration rules, target metrics by which success will be measured, additional rules to clarify the routine events of car ownership such as accidents and moving violations, and the ability to prosecute for theft by unauthorized taking or transfer for individuals who sell or transfer the car without DHHS's authorization.

## Kreckel, Brendan D

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**From:** Downs, Michael E  
**Sent:** Thursday, July 16, 2020 2:51 PM  
**To:** Baer, Julian  
**Subject:** ASPIRE25 comment?

Michael E. Downs  
Policy Senior Planner  
State of Maine  
Dept. Of Health and Human Services  
Office for Family Independence  
Ph (207) 624-4135  
Fx (207) 287-3455

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**From:** R. J. Brent Levesque <chcake1@hotmail.com>  
**Sent:** Thursday, July 16, 2020 1:03 PM  
**To:** Downs, Michael E <Michael.E.Downs@maine.gov>  
**Subject:** RE: Notice of Rulemaking Public Hearing and Comment Deadline Extension - ASPIRE Rule #25P - Working Cars for Working Families; 10-144 C.M.R. Ch. 607 - ASPIRE-TANF Program Manual

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Delay or not this needs to end!

Sent from [Mail](#) for Windows 10

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**From:** [Downs, Michael E](#)  
**Sent:** Thursday, July 16, 2020 9:57 AM  
**To:** [L Daley \(bucktracker@yahoo.com\)](#); [Larry Bailey \(larrybailey@roadrunner.com\)](#); [Larry Shuck \(shuck.larry@gmail.com\)](#); [Laurel Harris \(laurel@harrisingolffonline.com\)](#); [Lauren Jellison \(Laurenh044@GMail.com\)](#); [Lauriejean Gombar \(Sillyca@gmail.com\)](#); [Lawrence Merrill \(lawmerr@gmail.com\)](#); [Lawrence Swanson \(unitymaine@gmail.com\)](#); [Leah Kane \(kane.ep@aol.com\)](#); [Leanne Hallett \(ljhallet926@gmail.com\)](#); [Lee Rand \(LeeRand4@Me.Com\)](#); [Leigh Hawes \(lmhawes@gmail.com\)](#); [Lianna Forge \(FindingHisGrace@gmail.com\)](#); [Linda Mailhot \(lindamailhot@gmail.com\)](#); [Linda Neal \(WalesMaine@GMail.com\)](#); [Linda Paul \(wpaul408@gmail.com\)](#); [Linda Reardon \(lindafrenchy@aol.com\)](#); [Lisa York \(fannygiants@yahoo.com\)](#); [Lois Thew \(ltmaple623@live.com\)](#); [Lorene Sabina \(midgeme33@yahoo.com\)](#); [Loretta Dyer \(LDyerclu@AOL.com\)](#); [Lori Denenny \(ljd1234@gmail.com\)](#); [Lorraine Boucher \(err2013@outlook.com\)](#); [Lorrie Verrill \(fallsgirl217@GMail.com\)](#); [Louis Philippe \(louis@Maine.rr.com\)](#); [Lowell Smith \(lmrs@maine.rr.com\)](#); [Lynn Lewis \(lewis.lynn74@yahoo.com\)](#); [Lynn Nagy \(Lunnagy5@gmail.com\)](#); [Lynn Warman \(LMWarman@Yahoo.com\)](#); [Madison Hayden \(Sweetkeeps9@gmail.com\)](#); [Margaret Tekverk \(Misstek84@gmail.com\)](#); [Margaret Varney \(MigsBarney@Yahoo.com\)](#); [Marilyn St Jean \(Queenofpine@yahoo.com\)](#); [Mark Chasse \(Kramefc@yahoo.com\)](#); [Mark Coulombe \(markdcoulombe@gmail.com\)](#); [Mark Emery \(Mark.Emery2@GMail.com\)](#); [Mark](#)



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**Cc:** [Ray, Liz](#); [Baer, Julian](#)

**Subject:** Notice of Rulemaking Public Hearing and Comment Deadline Extension - ASPIRE Rule #25P - Working Cars for Working Families; 10-144 C.M.R. Ch. 607 - ASPIRE-TANF Program Manual

**Janet T. Mills**  
Governor

**Jeanne M. Lambrew, Ph.D.**  
Commissioner



Maine Department of H

At  
Tel: (207) 287-  
TT

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

**TO:** Interested Parties

**FROM:** Anthony Pelotte, Director, Office for Family Independence

**SUBJECT:** Proposed Rule ASPIRE Rule #25P - Working Cars for Working Families

The following rule is PROPOSED:

ASPIRE Rule #25P - Working Cars for Working Families

Following the original publication of the proposed rulemaking documents, on or about July 5, 2020, more than five individuals requested a public hearing. Pursuant to 5 M.R.S. § 8052, the Department has scheduled said hearing and extended the comment period to August 20, 2020.

**Hearing:**

Monday, August 10, 2020 1:00 to 4:00 PM.



## Kreckel, Brendan D

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**From:** Baer, Julian  
**Sent:** Monday, July 20, 2020 2:45 PM  
**To:** Downs, Michael E  
**Subject:** FW: Webform submission from: Rulemaking comments

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**From:** drupal@informe.org <drupal@informe.org>  
**Sent:** Thursday, July 16, 2020 12:36 PM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Webform submission from: Rulemaking comments

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Submitted on Thu, 07/16/2020 - 12:36

Submitted by: Anonymous


Submitted values are:

### Rule you are commenting on

Working cars for working families

### Name

Brian Blake



### Comments

Absolutely not. Increasing the tax burden on those who work and have to pay their own way, is just another path to keeping Maine a welfare state.

**Kreckel, Brendan D**

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**From:** Baer, Julian  
**Sent:** Monday, July 20, 2020 2:45 PM  
**To:** Downs, Michael E  
**Subject:** FW: Webform submission from: Rulemaking comments

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**From:** drupal@informe.org <drupal@informe.org>  
**Sent:** Saturday, July 18, 2020 4:16 PM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Webform submission from: Rulemaking comments

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Submitted on Sat, 07/18/2020 - 16:15

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**

Working Cars for Working Families

**Name**

Amanda Henson



**Comments**

I am submitting this to voice my concerns over the Working Cars for Working Families car buying program that is being considered. This plan is not good for Maine. There are simply too many problems with it. There are no values listed as to what the cars would be worth. In ha omg recently purchased a newer used car I know firsthand there isn't much to be had for \$2700. At least nothing that is safe and reliable. Which means this program is operating on losses. There are no safeguards to prevent sale of the vehicle since the title is signed over after they e paid just \$300. There is also so safeguard to ensure they will continue to pay once the title has been signed over. With the amount of welfare abuse th at happens in this state adding a program that all but grants permission to commit fraud makes no sense.

## Kreckel, Brendan D

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**From:** Baer, Julian  
**Sent:** Monday, July 20, 2020 2:43 PM  
**To:** Downs, Michael E  
**Subject:** FW: Webform submission from: Rulemaking comments

---

**From:** drupal@informe.org <drupal@informe.org>  
**Sent:** Saturday, July 18, 2020 6:59 PM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Webform submission from: Rulemaking comments

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Submitted on Sat, 07/18/2020 - 18:59

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**  
Aspire #25p working cars

**Name**

Capt Shawn Tibbetts



**Comments**

This program should be completely scraped. Cars are luxury not a necessity. There are plenty of jobs for those who want to work. People who are on public assistant shouldn't live better than those of us paying for it!

## Kreckel, Brendan D

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**From:** drupal@informe.org on behalf of Department of Health and Human Services <drupal@informe.org>  
**Sent:** Tuesday, June 30, 2020 4:29 PM  
**To:** Baer, Julian  
**Subject:** Webform submission from: Rulemaking comments

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Submitted on Tue, 06/30/2020 - 16:28

Submitted by: Anonymous

Submitted values are:

### **Rule you are commenting on**

Aspire rule 25

### **Name**

Donna S Talbot



### **Comments**

No to basically free cars for people who already receive assistance.

## Kreckel, Brendan D

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**From:** drupal@informe.org on behalf of Department of Health and Human Services <drupal@informe.org>  
**Sent:** Tuesday, June 30, 2020 4:37 PM  
**To:** Baer, Julian  
**Subject:** Webform submission from: Rulemaking comments

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Submitted on Tue, 06/30/2020 - 16:37

Submitted by: Anonymous

Submitted values are:

### **Rule you are commenting on**

Working Cars for Working Families

### **Name**

Stacey Guerin  
Maine Senate



### **Comments**

There should be a provision to prohibit the sale of these vehicles for the profit of the owner. Perhaps any sale would have to go through the state for a period of two or three years with the profit from the sale returning to the program.



**Kreckel, Brendan D**

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**From:** drupal@informe.org on behalf of Department of Health and Human Services <drupal@informe.org>  
**Sent:** Wednesday, July 1, 2020 8:57 PM  
**To:** Baer, Julian  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Wed, 07/01/2020 - 20:57

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**

All of them regarding the cars for TANF recipients

**Name**

Mary Hyland



**Comments**

\$6 million would be better spent on getting kids back to school this fall! And don't even get me started on kids with autism who have been without services since the middle of March!

**Kreckel, Brendan D**

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**From:** drupal@informe.org on behalf of Department of Health and Human Services <drupal@informe.org>  
**Sent:** Wednesday, July 1, 2020 9:08 PM  
**To:** Baer, Julian  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Wed, 07/01/2020 - 21:08

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**  
Working cars for working families

**Name**

Hilary Ellingwood



**Comments**

Please reconsider this plan, at a time when money is tight for the state and the USA as a whole. With money tight it seems like a really bad way to spend our money. It seems that there must be a better way to help people get to work, maybe we need to put a fraction of that money into a better public transportation system, like public buses for larger cities. As a tax payer and hard working Mainer who pays for my own car, this is a slap in the face. We deserve a vote on whether this should happen or not. Ty Hilary

## Kreckel, Brendan D

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**From:** drupal@informe.org on behalf of Department of Health and Human Services <drupal@informe.org>  
**Sent:** Wednesday, July 1, 2020 9:50 PM  
**To:** Baer, Julian  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Wed, 07/01/2020 - 21:50

Submitted by: Anonymous

Submitted values are:

### **Rule you are commenting on**

Working Cars for Working Families

### **Name**

Catherine DeRocchi

Catherine DeRocchi

[REDACTED]

### **Comments**

Maine can not afford this right now. The governor is spending our tax payer dollars at an alarming rate.

**Kreckel, Brendan D**

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**From:** drupal@informe.org on behalf of Department of Health and Human Services <drupal@informe.org>  
**Sent:** Wednesday, July 1, 2020 9:54 PM  
**To:** Baer, Julian  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Wed, 07/01/2020 - 21:54

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**

Working Cars for Working Families

**Name**

Catherine DeRocchi

Catherine DeRocchi



**Comments**

I am petitioning for a hearing on this before it can be passed. Maine can not afford this program right now. Governor Mills is spending our hard earned tax payer money at an alarming rate especially considering we are still facing a pandemic and public health crisis.

**Kreckel, Brendan D**

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**From:** drupal@informe.org on behalf of Department of Health and Human Services <drupal@informe.org>  
**Sent:** Thursday, July 2, 2020 2:58 PM  
**To:** Baer, Julian  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Thu, 07/02/2020 - 14:57

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**

Spending \$6 Million to Buy Cars for Welfare Recipients

**Name**

Neil Byrd



**Comments**

I have lived in a few states but this is the first time I'm seeing such actions such as buying cars for anyone. This so wrong cause as an immigrant I walked from the train station in the rain and snow and I never looked for a handout. Now at a time when this state is having revenue issues to hear that the Mills administration is thinking of giving cars to some residents who are already collecting welfare at my expense as a tax paying citizen of Maine. I'm asking therefore that the plan of buying cars for welfare recipients be stopped in it's tracks. We the voters are watching and at my job people are very upset.

## Kreckel, Brendan D

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**From:** drupal@informe.org on behalf of Department of Health and Human Services <drupal@informe.org>  
**Sent:** Friday, July 3, 2020 5:28 AM  
**To:** Baer, Julian  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Fri, 07/03/2020 - 05:28

Submitted by: Anonymous

Submitted values are:

### Rule you are commenting on

10-144 MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES OFFICE FOR FAMILY INDEPENDENCE CHAPTER 607  
ASPIRE-TANF PROGRAM RULES

### Name

Marianne Moore  
Maine State Senate



### Fax

[2074548520](tel:2074548520)

### Comments

Comments regarding Working Cars For Working Families

1. III. Administration, C-3: "If funding is not sufficient to maintain current programming as provided..." COMMENT: Will the cars be returned?
2. V. Basic Eligibility Criteria, D-3: "This demonstration includes completion of each of the following courses prior to vehicle delivery, if the Department provides them:
  - i. Driver safety course (Maine Driving Dynamics);
  - ii. Vehicle ownership orientation; and
  - iii. Vehicle ownership course including financial preparation." COMMENT: I feel these courses are very important for this program to be a success. Will the Department be providing them and make them mandatory?
3. V. Basic Eligibility Criteria, D-4: "Not have been convicted of any of the following offenses, as determined by self-attestation and a background check" COMMENT: Who will be paying for the background check?
4. V. Basic Eligibility Criteria, D-5: (References payment(s)) COMMENT: Will the payments go back into the program?
5. VII. Participation and Continued Eligibility Requirements, A-2: "Effect – The participant shall comply with the terms of their Agreement, and failure to do so may result in termination of enrollment" COMMENT: Will they be required to return the vehicle?
6. VII. Participation and Continued Eligibility Requirements, A-4(b): "A commitment not to sell or trade the vehicle during Program participation" COMMENT: Should there be a clause where they can not sell or trade the vehicle for 3-5 years or

something similar?

7. VII. Participation and Continued Eligibility Requirements, A-4(j, k, n) RE: routine maintenance, repairs, registration, insurance, state inspection, and taxes COMMENT: Who will be responsible for paying for the services?

8. VII. Participation and Continued Eligibility Requirements, C-1: "The Department shall transfer title to all vehicles provided to program participants within thirty (30) calendars days of vehicle distribution." COMMENT: Definitely a concern! Should consider the State maintaining a lien on the title similar to a bank.

9. VII. Participation and Continued Eligibility Requirements, C-1(b)(i,ii,iii,iv) COMMENT: Who will be responsible for paying for the services?

10. VII. Participation and Continued Eligibility Requirements, C-3: "Program Graduation" COMMENT: Consider only transferring the title of the vehicle to the participant at Program Graduation.

## Kreckel, Brendan D

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**From:** drupal@informe.org on behalf of Department of Health and Human Services <drupal@informe.org>  
**Sent:** Friday, July 3, 2020 10:05 PM  
**To:** Baer, Julian  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Fri, 07/03/2020 - 22:05

Submitted by: Anonymous

Submitted values are:

### **Rule you are commenting on**

Buying cars with taxpayer money!

### **Name**

Bridget Messer  


### **Comments**

You have so many people using these government assistance programs that any money coming into this state right now NEEDS to go back too the ALREADY working families in this state!! Tax payers are fed up with it!! We're all sick of paying damn close to the highest taxes in the nation as it is and governor Mills, i would ask you, some you want to throw away 6 million dollars to buy cars for people that don't really care to get up off their asses and get jobs, are any of these cats going to the immigrants you decided to bring into this state as soon as you was elected governor??? Not one damn car should be going to immigrants you brought here. If you insist this stupidity happens, there should be a "RULE" that you have to hav e lived in MAINE your ENTIRE LIFE!!! FROM BIRTH!! You've given enough of our money to who you think will vote for you. Enough is enough. Stop with the nonsense. Give back to the tax payers of this state for once. She's a greedy evil person and she's ruining the state of Maine. GIVE BACK THE MONEY YOU'VE STOLEN FROM THE CITIZENS OF THIS STATE!!!!





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July 1, 2019

Julian Baer, Senior Program Manager – TANF ASPIRE  
Department of Health and Human Services  
Office for Family Independence

Dear Mr. Baer,

Maine Equal Justice offers the following comments on the new proposed rule 25P, Working Cars for Working Families. We are very hopeful for the success of this pilot as we work together with the Department to develop a plan for the implementation of the rules. We appreciate the time taken by the Department in issuing these regulations. Thank you for considering the following suggestions:

- **Section 18: Working Cars for Working Families:**

• **SUMMARY:**

- **Comment:** We recommend the following changes, which clarifies that the goal of the program is not just for participants to find any employment, but sustainable employment. This language also mirrors the language a 22 MRSA §3769-F which establishes the program.

- **SUMMARY:** This section describes the Working Cars for Working Families Program (referred to in this Section as “the Program”), which is created to provide transportation for low-income individuals to obtain and retain sustainable employment. This Section establishes the Program, sets out eligibility and ongoing participation criteria, and describes the application and decision-making processes.

• **III. ADMINISTRATION**

- **Comment:** We recommend the following changes that reflects the language from § 3769-F.. We also note that this proposed rule would provide the Department with too much discretion to decide whether or not to provide an otherwise eligible person

with a car. The rule should provide specific criteria that will be used in determining whether someone is eligible for assistance and the type of transportation for which they will be eligible. For example, what standards will apply in determining whether an applicant will qualify for a car, or will be told that they must rely on ridesharing with neighbors? Will child care drop off be considered? Will public health considerations like social distancing be considered?

- **III. B. Definitions –**

- **Comment:** Maine has among the highest rate of self-employment of any state and make up 10% of the workforce in Maine compared to 6% nationally.<sup>1</sup> Given the large number of low-income folks that are self-employed we believe that people who are self-employed should be eligible for this benefit to the same extent as other workers. Self-employed individuals should be eligible for this program as they are for TANF, Alternative Aid, HOPE, PaS, Food Supplements and General Assistance. There is no reasonable rationale for excluding self-employment, as vehicles are just as necessary for people engaged in self-employment activities who must use a vehicle to procure supplies and deliver products and more. Thus, there is no rational basis to exclude this group of workers. As noted above, the governing statute requires that a person be eligible for the use of federal TANF funds without exclusion. An otherwise eligible self-employed person meets this test. The same applies for “earned income,” which is defined in the TANF manual as including self-employment income. With this in mind, we offer the following changes:

- **1.** For purposes of this Program, “sustainable employment” is employment that leads or is reasonably expected to lead to a family ending its financial need for cash assistance, including TANF, PaS, and Alternative Aid. ~~“Employment” within the meaning of this Section does not include self-employment or any form of employment that involves a subsidy to the employer.~~
- **2.** For purposes of this Program, “earned income” is as defined in 10-144 C.M.R. Ch. 331 Introduction and Definitions, ~~and limited by Subsection III (B) of this Section.~~

- **III. A. Funding Contingencies –**

- **Comment:** We believe the Department should abide by the same timely and adequate notice requirements that exist for other programs, including categorical denials, as is the case for all notices sent to

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<sup>1</sup> Jessica Piper, *Self-employed workers languish as Maine awaits federal guidance on unemployment program*, <https://bangordailynews.com/2020/04/06/politics/self-employed-workers-languish-as-maine-awaits-federal-guidance-on-unemployment-program/>, April 6, 2020.

TANF participants. Also similar to TANF and ASPIRE programs, the Department should abide by the requirement to give notice of the right to appeal a decision that would impact their eligibility for or amount of services, as well as how to appeal a decision before the Department makes such changes.. In addition, the Department needs to develop specific procedures that it must follow to determine that there is insufficient money to continue with the program. The recommended changes are below.

- Pursuant to authorizing statute, funding for the Working Cars for Working Families Program is limited to \$6,000,000 allocated from the federal TANF block grant accrued prior to state fiscal year 2017-2018. If the Department finds that its continued administration of the Program will or is reasonably likely to exhaust that funding before June 30, 2022, it will follow the procedures in this subsection to minimize the impact on program participants.
  1. If funding allows, the Department shall stop accepting or processing new applications or Transportation Program Agreements (see Subsection VII), and shall continue to honor all current, signed Agreements to their completion date.
  2. If funding is not sufficient to maintain current programming as described in subparagraph 1, the Department shall reduce specific transportation services and/or the frequencies with which such services are provided, ~~giving timely notice to participants., giving as much advance notice to affected program participants as is reasonably practicable.~~ The Department shall effectuate reductions and eliminations under this subsection on a generalized and categorical basis, ~~and shall not make case-by-case elimination or reduction decisions.~~
    1. If funding is not sufficient to maintain current programming as provided in subparagraph 1 or to equitably reduce or eliminate programming as provided in subparagraph 2, the Department shall terminate all Transportation Program Agreements and end all services. ~~providing as much advance notice to program participants as is reasonably practicable.~~
    2. The Department will notify program participants of reductions or program

termination that would impact their eligibility for or amount of services no less than fourteen (14) calendar days in advance of the reduction or termination of service and expressly include the participant's right to appeal the decision if they believe the action was taken incorrectly or without proper basis.

3. Categorically applicable denials, reductions, and service terminations based on funding limitations are subject to administrative appeal.

- **IV. ELIGIBILITY DETERMINATION PROCESS**

- **Comment:** As a matter of law and policy, we think this proposed rule leaves too much room for discretion for the Department and does not follow clear criterion for eligibility, creating a chance of abusing discretion and violating an applicant's due process rights. If an applicant is found eligible according to the eligibility criteria and the resources are available, the Department should then provide them with a car. It is a matter of eligibility, not whether the Department deems that the participant is "appropriate" for the program. Further, the applicant always has the right to appeal. Thus, we urge the Department to make that clear in this section and everywhere else that the applicant can appeal "if applicable." See our suggestions below.

IV A. General -- The Department shall determine program eligibility and enrollment as follows:

1. The Department shall determine whether an application meets the financial and nonfinancial program eligibility criteria set out in Subsection V;
2. If the Department finds that an application meets the eligibility criteria, it will notify the applicant, and schedule and conduct an in-person or remote assessment as long as the assessment is administered in a reasonably accommodating manner for each applicant.
3. If the Department finds that ~~Program participation is appropriate for the applicant~~ the applicant is eligible for the Program pursuant to eligibility criteria set out in Subsection V, it will determine whether there are available Program resources that would remediate the applicant's transportation barriers.
4. If the Department determines there are no resources available to remediate the applicant's transportation

barriers, the Department shall issue a written decision stating the budgetary and resource issues that are the basis for the decision. Such written documentation shall also set out the participant's right to appeal the decision and the procedure for doing so.

- **IV B. Application –**

- **Comment:** Translated versions of uniform applications for the Program should be available upon the request of an applicant in order to comply with federal law and the Maine Human Rights Act. The suggestions are below.

- **IV. B.** To facilitate the process described in Subsection IV (A), the Department shall develop a uniform application for the Program that is also language accessible at the request of the participant pursuant to the Civil Rights Act of 1964. This application will allow the Department to evaluate an applicant's eligibility under Subsection V. The application will also include a list of transportation services that may be available, from which the applicant may indicate the specific service(s) sought. Applicants may submit completed applications at any of the Department's regional offices or at statewide offices where ASPIRE services are provided.

- **IV C. Enrollment –**

- **Comment:** We recommend implementing language that provides the applicant with opportunity to explain circumstances that barred them from attending an assessment, and also to substitute “appropriate” and “suitability for the program” with “eligibility” for the reasons described above. See the suggestion below.

- The Department shall determine whether an applicant may receive transportation services under this Section—and if so, what specific services to provide—based on the following:

1. The Department's review of the applicant's eligibility under the Basic Eligibility Criteria in Subsection V, including the applicant's timely production of any necessary or requested verifications that confirm such eligibility;
2. The applicant's timely compliance with requests for verification and attendance at the scheduled assessment unless the applicant provides timely notice stating the reason and good cause for not attending the assessment;

3. The Department's review of the applicant's transportation needs, employment situation, and ~~eligibility-suitability~~ for the Program, in accordance with Subsections V and VI; and
4. The availability of Program resources, and non-program alternatives, that will alleviate ~~reasonably address~~ the applicant's transportation needs.

If in its evaluation of factors 1-4, the Department determines that the participant is eligible to participate in the Program ~~participation in the Program is appropriate~~, it will notify the applicant in accordance with Subsection IV (D). Program enrollment and service delivery shall not occur until the qualified applicant has executed a Transportation Program Agreement under Subsection VII (A).

#### - IV. D. Decision –

- **Comment:** We echo the same sentiments as above regarding opportunity to prove good cause, and that the Department should not have discretion in providing anything less than what the applicant is eligible for and requests, as well as what is available under this program. If a transportation service available is not someone's first choice, yet they are eligible, that means they should have the chance to decide what they want to do before the Department issues a denial and forces the applicant to go navigate the process of filing an appeal. See the changes below.
  - The Department will issue a written determination of eligibility at the conclusion of its evaluation. If the applicant is not deemed eligible ~~and qualified~~ for the program pursuant to Subsections V or VI, ~~or if the Department determines that the applicant will receive a transportation service that is not the applicant's first preference~~, then the notice will identify the reason(s) for the denial or for the particular service selection. The decision will be provided to the applicant within thirty (30) calendar days of the date the Department receives the completed written application, provided the applicant has replied to requests for verifications in a timely manner and attended the scheduled assessment, unless the participant has provided reasonable notice or good cause, pursuant to Resolve LD 1247. The notice of decision will include information on appeal rights pursuant to 10-144 Ch. 1 VI (B). ~~when applicable.~~

#### - V. BASIC ELIGIBILITY CRITERIA

##### ▪ V. A. Financial Eligibility –

- **Comment:** We believe the eligibility criteria is too extensive and , we also flag that if an applicant is applying for Working Cars for Working Families it means they are receiving TANF, enrolled in Parents as Scholars or receive Alternative Aid. Families that would seek benefits under this program are therefore already eligible and it is unnecessary to create another new income eligibility test for it.
- **V. B. Transportation Need –**

**Comment:** We believe that the only proof of “transportation need” that applicants should be required to provide is that the applicant would have improved access to sustainable employment or preparation for employment as a result of program participation. These proposed rules would require applicants to prove they could obtain or do currently have employment that consists of a 30-hour work-week at minimum. This is harmful because this does not have language requiring opportunity to show good cause for working less than that and ignores the fact that many people will in fact have good cause due to various reasons, including disability which would require reasonable accommodation by the Department pursuant to the Maine Human Rights Act.

- **V. Eligibility Criteria ---**
  - 1. The participant must show, through signed self-attestation, that the participant’s family:**
    - A. Includes a minor child or children living in the household;
    - B. Is enrolled in TANF, PaS, or income sufficient to enroll in Alternative Aid.
    - C. Is engaged in employment, or is participating in a training or education program directly leading to employment, including but not limited to the Parents as Scholars Program established pursuant to section 3790, the Competitive Skills Scholarship Program established pursuant to Title 26, section 2033 or any program approved by a career center administered by the Department of Labor;
    - D. Would have improved access to sustainable employment or preparation for employment as a result of program participation;
    - E. Has the financial ability or necessary resources available to insure and maintain a vehicle, including resources that may be available through the ASPIRE-TANF Program under section 3782-A or alternative aid under section 3763; and
    - F. Agrees to participate in a case management program designed to improve

understanding of the responsibilities of car ownership as a condition of program eligibility.

- **V. B. 2. Transportation Limitations. ---**

• **Comment:**

- The requirements under this section should set out a clear deadline for the Department's verification process.
- Regarding **subsection i.**, it is not necessary to delay the benefit in order to check with agencies from states other than Maine where the applicant has lived. If the applicant is a Maine resident and needs a car to enable them sustain employment, then they are eligible and should be provided a car pursuant to state law. We recommend that the Department make the necessary verifications within 7 days.
- **Subsection ii.** Provides that an applicant is not eligible if someone they live with has a running car and that other person's work and childcare schedule does not conflict with the applicant's. This assumes the applicant has the right to use someone else's vehicle. The Department needs to verify with the applicant whether or not they have authority to use that car, and if they do not then the Department is obligated to provide a car under this program pursuant to state law. The Department may perhaps verify whether the applicant has authority or not by seeking a self-attestation or the attestation of the car owner.
- **Subsection iii.** is problematic because it fails to flag that public transportation needs to be reasonably accommodating for each applicant according to the MHRA. The provision should make it clear that public transportation in this context will only be considered an alternate resource if it is reasonably accommodating pursuant to the MHRA. The 1 hour time frame set out in this subsection, for example, should be removed because that long of a commute may be the reason why an individual is in need and applying for a car at the Department.

- **V. C. Additional Nonfinancial Requirements—**

• **Comments:**

- **Subsection 1 (a)** should include a provision saying that the subsection does not apply if the applicant had provided good cause for the sanctions or can provide good cause now. This is a legally obligated process and consideration that must be made before a participant is sanctioned from the ASPIRE program. See LD 1247. Therefore, when considering whether an applicant has been sanctioned from the ASPIRE program and basing ineligibility on that sanctioning, the Department should ensure that those ASPIRE sanctions were done legally through the good cause determination process.
- **Subsection 2 (b):** See comment for subsection 1(a).



- **Subsection 2(d):** This proposed rule provides that in order to be eligible for Working Cars for Working Families, an applicant that is a mandatory ASPIRE participant must have completed requirements for the previous three months or since the beginning of participation in the program without having claimed good cause. Does this mean that if someone claimed good cause in the previous three months and because of that did not meet the requirements of the ASPIRE program, they are disqualified from this program? If so, we disagree and think that Working Cars for Working Families should not exclude mandatory ASPIRE participants who have not successfully fulfilled ASPIRE requirements due to the fact that they had needed good cause. To the extent that this is an erroneous interpretation of the proposed rule, and the Department agrees with the idea that good cause claimants cannot be excluded from this program, we think the language should be re-drafted to be clearer and ask for clarification. Good cause is an integral part of the ASPIRE program and if someone needed good cause while participating in that program that does not mean they should be disqualified from any program.
- **V. D. Additional Eligibility Criteria for Vehicle Access—**
- **Comments:**
    - **Subsection D. 4.:** The Department should shorten the time frame for having a OUI, DUI, or DWI conviction. 10 years is excessive, and seems arbitrary, as are the time frames set out in D. 4 (b) - (c). Furthermore, this provision is likely to have a discriminatory impact as it is well documented nationally and within our state that Black people and persons of color are arrested at much higher rates than their white counterparts.<sup>2</sup> Not to mention the general fact that someone's past does not determine who they are and where they are in life currently. Furthermore, it is our understanding that it is the vehicle owner who is responsible for insuring the vehicle under this program, not the Department, and the recipient would be liable for any accidents. Therefore, it is enough the applicant proves their responsibility through case management services, assessments, and the course set out in subsection D (3). There is no reason that the Department should have this requirement or information about someone and section 4 should be removed, or the time frames for having a record without convictions should be shortened to the last 12 months and the category of convictions should only be for high level crimes such as intentional homicide or aggravated sexual assault. The Department should also mirror the model of 22 MRS 3104 (14), an affirmative Maine law prohibiting ineligibility determinations on the basis of drug-related felonies, and (15), which allows a determination of ineligibility for SNAP in cases where the applicant has had a conviction for a violent

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Bangor Daily News, *Maine can take these steps to reform its criminal justice system*,<sup>2</sup>  
<https://bangordailynews.com/2020/06/15/opinion/maine-can-take-these-steps-to-reform-its-criminal-justice-system/>,  
 June 15, 2020.

crime and sexual assault. The TANF statute states the same policy un 22 MRS 3762 (17). Moreover, when an applicant is found ineligible because of their criminal record, we recommend limiting the period of ineligibility for a period where the applicant may provide proof of successfully completing rehabilitative social services programs.

- **Subsection D. 5.:** Considering the fact that the Program is to aid low income families and help them integrate into the workforce through sustainable employment, requiring three monthly premium payments without the offer of any extended pay periods or financial assistance would create major barriers for Maine's most vulnerable population. Therefore, we recommend the changes above. Moreover, it is not clear whether a down payment and a car payment must be made in the same month. Given the limited income of eligible families we strongly recommend that these costs may not be charge in the same month, but rather that the first 3 months of payment be considered the down payment.

- **V. E. Verifications –**

- **Comment:** The time period for responding to a request from the Department for verifying documents should be 12 days (10 days for notice and two days for mailing), which is the same amount of time the Department has to provide notices to TANF participants.

- **VI. ASSESSMENT ---**

• **Comments:**

- **Subsection A.:** We flag again that the Department's discretion in providing anything other than a working and reliable car should be limited. If a car is available and the client has demonstrated need and meets the eligibility criteria as set out in LD 1475. The Department should not be able to decide to offer anything different than a car under this program unless they show that resources are not available and/or the applicant makes an alternative request.
- **Subsection B:**
  - The assessment scheduling should always be done in writing and a record of it should be provided to the applicant. It should always also be done verbally, not either/or.
  - The Department should notify the applicant verbally if they are eligible or not to provide for the applicant to ask any questions and be provided with a clear understanding of appeal right, followed with a written decision stating the applicant's right to appeal.
  - In person meetings should be subject to the needs of the applicant in order to comply with the MHRA reasonable accommodations provision.
  - The Department should be required to inform the applicant at the assessment that they are eligible if they are indeed eligible.

- The terms “if such a determination is appropriate” and “ the Department may begin providing Program services immediately, as appropriate” are too ambiguous, imply discretion that is not allowable, and should be replaced with the terms “ if the applicant is eligible” and “the Department shall begin providing Program services immediately if the applicant is eligible.”
  - “Transportation Program Agreement” should be defined in the Definitions section.
  - **Subsection C.:** The Department should add that the applicant will be notified of their right to show good cause for anything that is missing or any potential discrepancies that may result in the loss of benefits, additional charge, or other penalty.
- **VII. PARTICIPATION AND CONTINUED ELIGIBILITY REQUIREMENTS**
- **Comments:**
    - **Subsection A. (2):** As a matter of policy, and to be consistent with the administration of other public benefit programs for which this program’s applicants will be enrolled in, before terminating services the Department should implement a process that provides opportunity to claim good cause followed by a reasonable procedure for assessing the applicant’s good cause and circumstances.
    - **Subsection A. (3) C:** The Transportation Program Agreement should not require the applicant to commit to working 30 hours a week if they provide reason for not being able to do that, and in that case the Department should reasonably accommodate that applicant by decreasing the amount of hours required on a case by case basis.
    - **Subsection A (3) f.:** Instead of requiring a commitment to not engage in disruptive behavior, this rule should say “...to not engage in disruptive behavior intentionally and to communicate with the Department if a mental health or other condition may cause disruption of the transportation services.
    - **Subsection A. 4 (a):** This rule should include childcare, shopping for necessities and medical care as well as work as primary uses of the vehicle.
    - **Subsection A. 4 (m):** Again, the monthly premiums and payment plan should be tailored to what the applicant can afford.
    - **Subsection A. 4 (o):** This rule should be amended to say that a vehicle will only be taken away if the applicant fails to show good cause after a good faith process of assessing the applicant’s good cause and circumstances.
    - **Subsection C. 2.:** See comment to subsection A. 4 (m). Rather than require \$100 monthly premium payment across the board, the Department should consider the fact that applicants are folks who are enrolled in PaS, TANF, etc. and have very low income. \$100 a month

is a huge financial burden for these families. We suggest determining the payments on a case by case basis, specifically requiring a reasonable percentage of an applicant's income, e.g. 3%. For example, a person under 50% of poverty would have a \$0 premium given their low income. A person at 51% might contribute 2% of their income; a person at 100% might contribute 3%. This way the low income families who will be applying for the Program do not have to worsen their already vulnerable financial state in order to participate in Working Cars for Working Families.

- **VIII. TERMINATION AND APPEAL**

• **Comments:**

- **Subsection A. 2:** For the same reasons regarding good cause above, this section should provide: “The participant fails to comply with a provision in their Agreement and after notice of good cause and opportunity to claim of good cause the participant is still found ineligible.”
- **Subsection A. 2 (b):** This section should include “other good cause” along with noncompliance due to mental illness or health condition. Additionally, noncompliance due to a disability or other form of good cause may last more than two weeks and it could still not be the participant's fault. A requirement that the noncompliance be no longer than two weeks even under such circumstances is discriminatory and contradicts the Department's legal duty to be reasonably accommodating. Therefore, the two-week language should be removed and no similar language should replace it.
- **Subsection B.:** It should be made clear in this paragraph that the list of reasons set out for appealing is not exhaustive and that the participant always has the right to appeal. Whether or not there was indeed a right to appeal may be disputed after that appeal is made, but participants need to be informed that they can always appeal any final decision or action taken by the Department.
- **Subsection B. 1.:** The last sentence in this subsection would limit the participant's right have their benefits continued pending timely appeal by stating that the participants if they violate their Agreement. This is contrary to the rules of due process and Administrative Hearings, and is an arbitrary rule just now being proposed by the Department. The participant always has the right request a hearing, and if done so within the specific time frame the participant's benefits must continue. Therefore, this last sentence should be taken out.
  - A participant who disputes an application decision or a program decision, including but not limited to: a decision on a

selection, reduction, or termination of transportation services; a denial of a monthly premium temporary waiver; or an overpayment; has the right to an administrative hearing, provided the request for the hearing is made timely.

Respectfully,

Deborah Ibonwa, Esq.  
Maine Equal Justice  
Policy and Legal  
Advocate



## Kreckel, Brendan D

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**From:** Baer, Julian  
**Sent:** Monday, July 20, 2020 4:36 PM  
**To:** Downs, Michael E  
**Subject:** FW: Public Comment

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**From:** Farwell, Jackie <Jackie.Farwell@maine.gov>  
**Sent:** Wednesday, June 24, 2020 4:36 PM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** FW: Public Comment

Hi Julian,  
Passing this along.

Best,  
Jackie

---

**From:** Josh Hayward <[jshayward12@gmail.com](mailto:jshayward12@gmail.com)>  
**Sent:** Wednesday, June 24, 2020 8:34 AM  
**To:** Farwell, Jackie <[Jackie.Farwell@maine.gov](mailto:Jackie.Farwell@maine.gov)>  
**Subject:** Public Comment

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Good morning Jackie. I have just submitted a public comment on the \$6M care program. I sincerely hope you will read my thoughts outlined below and share with appropriate people within DHHS that could help me bring support for the thoughts and ideas offered. I believe you will see that I have proposed some sincere and thoughtful ideas below while having compassion for all those in need of financial and life recovery.

Identify a compelling governmental purpose. Then identify a narrowly defined Solution.

If I were to use that statement to assess what I've now heard is a \$6M plan for free cars to people on welfare, would that policy pass this litmus test?

One could say, sure it serves a purpose to provide an underserved group a means to transportation other than Linx or other methods that might be uncomfortable etc. And the solution is free cars. One could also say it takes nature totally out of the equation where the basics of working to receive are completely removed and moves to undermine all future considerations for the recipient as it pertains to their right to feeling the reward of earning something, a natural and necessary experience.

I believe policy like this directly serves to undermine our state's ability to develop a broad self sustaining population and the education system we fund so aggressively which in spite of the immense funding still requires considerable effort and ongoing hard work that each person must put forth in order for that education to bear fruit for them personally - the existence of the education system does not educated citizens make as they say. As we have proven by our own state's #'s and budget, education does not equal a move out of poverty. With each step toward total support for people

in need they become more dependent. As they are given more, the majority of people will become more and more unmotivated to learn and then work and correspondingly more dependent on receiving. Most definitely the children of those in that system. It all but guarantees and ensures a perpetual welfare class living without a sense of individuality, purpose and hope to take care of themselves. They'll never know it because they'll be nurtured into the mindset of support.

That said, I totally believe in helping disabled for life, and very deeply, supportive welfare recovery programs. In fact I believe all forms should continue for 3 years after someone receives a job (doesn't currently) and not cut off immediately upon a monthly income trigger, which then leaves that person in an immediate financial crisis. I have had a sister and step sister in these situations. they'd get a job, lose support and would immediately be in trouble financially and spiritually. I've seen them cry, feel helpless etc. I get it Governor I really do. You can't be from Machias and not get it as it's all around you growing up. I see people I know through my children who struggle daily. I believe we need to give them a strong foundation financially before they are cut from support. Goodness knows in my own personal journey of recovery from alcoholism, I needed a strong foundation from which to build my life. 3 years of support after getting a job would be a huge step toward securing that foundation. And preferably a life coach meeting with you monthly throughout that period. We can develop that program. It would work.

Governor, why wouldn't be build on my idea above and direct \$6M to fund a training / education program and align it with employers short of employees as many are today. Or use it to attract a business thinking about Maine, or a business thinking about expanding. Give out Uber credits if Linx is not a fit and so on. And on top of that why not modify our current programs to extend for 3 years from the date someone returns to full employment? Given them cars will only make them more dependent and will shift them further away from that beautiful life experience derived from the sense of having worked hard and then acquired something - like a car. This takes away the potential for them to experience that sense of earning and achievement which ultimately builds their confidence and self worth. They deserve to be treated like people who are capable and interested in taking care of themselves, not like people who we assume can't and never will.

Sincerely,

Josh Hayward  
[REDACTED]

Please confirm receipt if you would. Thank you.

Josh Hayward  
Hayward Ventures  
[REDACTED]

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## Kreckel, Brendan D

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**From:** Baer, Julian  
**Sent:** Tuesday, July 21, 2020 10:05 AM  
**To:** Downs, Michael E  
**Subject:** FW: Comments - ASPIRE Rule #25P - Working Cars for Working Families

-----Original Message-----

**From:** Jennifer Lachance <jenjenn01@hotmail.com>  
**Sent:** Tuesday, July 21, 2020 9:52 AM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Comments - ASPIRE Rule #25P - Working Cars for Working Families

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

I want to go on record that I do not approve of the proposed rule for cars for working families. I am all for helping those that need it, but there has to be other (better) things this grant money could be used for. The assistance is not just gonna stop at helping pay for a car. There is going to be insurance expenses. The car is going to breakdown. They are going to need money to register the car. It's just opening up a whole new can of worms and a lot more (unnecessary) added cost for taxpayers.

Thank you for listening.

Jennifer Lachance  


## Kreckel, Brendan D

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**From:** Baer, Julian  
**Sent:** Tuesday, July 21, 2020 1:57 PM  
**To:** Downs, Michael E  
**Subject:** FW: Proposed ASPIRE new rule #25P

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**From:** Ken Hinkley <k.hinkley@yahoo.com>  
**Sent:** Tuesday, July 21, 2020 9:01 AM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Proposed ASPIRE new rule #25P

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

I just have a couple of questions.

- 1) What process will be used in selecting a vehicle for qualified applicants?
- 2) Is there a cap on how much can be spent per vehicle?

The proposed rule(s) seem to be very well written and have the necessary checks in place to minimize fraud or misuse of the program. This may be the connecting link between staying in poverty and learning to provide for themselves.

## Kreckel, Brendan D

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**From:** Baer, Julian  
**Sent:** Wednesday, July 22, 2020 10:10 AM  
**To:** Downs, Michael E  
**Subject:** FW: Webform submission from: Rulemaking comments

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**From:** drupal@informe.org <drupal@informe.org>  
**Sent:** Wednesday, July 22, 2020 9:33 AM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Wed, 07/22/2020 - 09:33

Submitted by: Anonymous

Submitted values are:

### Rule you are commenting on

Aspire #25

### Name

Cynthia Bonang

[REDACTED]

### Comments

This is the most ridiculous proposal that I have seen coming from the Governor of the State of Maine. We have thousands and thousands of working poor, who are not receiving any State aid, and yet the Governor wants to give vehicles to welfare recipients??? You've got to be kidding me!!!! There are members of my own family who work 40-50 hours a week just to try and make ends meet, and they struggle getting to work EVERY DAY because they drive vehicles that are on their last legs. They struggle every day to pay their bills and not go totally under financially. WHY is the State of Maine not helping those who are TRYING and WORKING their butts off to make ends meet, and instead are giving handouts to those on welfare who, at least some of them, don't even search for jobs, and could care less if they bring home a paycheck? As long as the Governor continues to give them handouts, at the expense of ALL of the legitimate tax payers in the State of Maine, these individuals will have ABSOLUTELY NO INCENTIVE to get a job and help contribute to Maine's tax base. I am ENRAGED at this proposal and can only hope that the residents of the State of Maine can stop this LUNACY.

## Kreckel, Brendan D

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**From:** Baer, Julian  
**Sent:** Wednesday, July 22, 2020 3:10 PM  
**To:** Downs, Michael E  
**Subject:** FW: Webform submission from: Rulemaking comments

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**From:** drupal@informe.org <drupal@informe.org>  
**Sent:** Wednesday, July 22, 2020 2:48 PM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Wed, 07/22/2020 - 14:47

Submitted by: Anonymous

Submitted values are:

### Rule you are commenting on

ASPIRE Rule #25P - Working Cars for Working Families

### Name

ASPIRE Rule #25P - Working Cars for Working Families



### Comments

This is not a program that is needed, especially at this time when many Maine businesses are shutting their doors forever due to Governor Mills' arbitrary mandates and misuse of power. Maine tax payers are hurting. We are barely making ends meet, and now Gov. Mills wants to give away cars to people who give nothing back to the STATE? Another sign of total lack of respect for the hard-working citizens of Maine. If people who are receiving welfare are not able to volunteer their time to help their community, then why do you think they will be responsible and take care of a car that they didn't earn? This is a program that is purely a pet-project, partisan misuse of power. Put it to a vote by the people and see how fast it gets shot down. Don't kick Maine people while they are down. Don't waste our money on this poorly planned program.

## Kreckel, Brendan D

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**From:** Baer, Julian  
**Sent:** Friday, July 24, 2020 10:50 AM  
**To:** Downs, Michael E  
**Subject:** FW: Webform submission from: Rulemaking comments

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**From:** drupal@informe.org <drupal@informe.org>  
**Sent:** Friday, July 24, 2020 10:18 AM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Fri, 07/24/2020 - 10:18

Submitted by: Anonymous

Submitted values are:

### Rule you are commenting on

ASPIRE Rule #25P - Working Cars for Working Families

### Name

MELISSA A BRYANT



### Comments

I am in support of this program. Newer cars have fewer emissions and are safer in the event of an accident, which will save lives and livelihoods as well as money. I have seen low income friends struggle to get to work due to unreliable vehicles and believe that working vehicles will be an asset to any low-income Maine family.

## Kreckel, Brendan D

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**From:** Baer, Julian  
**Sent:** Friday, July 24, 2020 4:20 PM  
**To:** Downs, Michael E  
**Subject:** FW: Webform submission from: Rulemaking comments

Looks like MEJP has engaged.

---

**From:** drupal@informe.org <drupal@informe.org>  
**Sent:** Friday, July 24, 2020 2:58 PM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Fri, 07/24/2020 - 14:57

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**  
ASPIRE Rule #25P

**Name**

Christine Sprague



**Comments**

I fully support covering downpayments for cars to assist people in need to get new vehicles. It is better to remove old and malfunctioning vehicles from the roads from both safety and environmental standpoints. It is also clearly beneficial to families, workplaces, and the economy to make it possible for members of our communities to go to jobs and appointments.

**Kreckel, Brendan D**

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**From:** Baer, Julian  
**Sent:** Friday, July 24, 2020 4:21 PM  
**To:** Downs, Michael E  
**Subject:** FW: Webform submission from: Rulemaking comments

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**From:** drupal@informe.org <drupal@informe.org>  
**Sent:** Friday, July 24, 2020 3:31 PM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Fri, 07/24/2020 - 15:30

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**

Working Cars For Working Families

**Name**

Mrs. Thomas



**Comments**

This is a ridiculous idea, with tax money that should be better spent on other issues! This is NOT fair to the hardworking people in this State Of Maine who have to get up every day, work hours of overtime to pay taxes already! We work hard to have a home, pay for our transportation to get to work, pay for child care, pay for health and auto insurance, pay gas taxes, food taxes, death taxes, property taxes, and Janet Mills and those who work with her want to basically just give a car to people on welfare?? This is very wrong and very mixed up. What does this tell those people who actually WORK for what they need? If people on welfare need to get to work, let them carpool, take a bus, or ride a bicycle. Other people do it a ll the time! Why are people on welfare getting a privilege such as this. I want to know and so do thousands of other people!!

**Kreckel, Brendan D**

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**From:** Baer, Julian  
**Sent:** Friday, July 24, 2020 4:23 PM  
**To:** Downs, Michael E  
**Subject:** FW: Webform submission from: Rulemaking comments

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**From:** drupal@informe.org <drupal@informe.org>  
**Sent:** Friday, July 24, 2020 3:35 PM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Fri, 07/24/2020 - 15:35

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**  
Aspire Rule #25 Working Cars for Working Families

**Name**

Renée McKenna



**Comments**

If someone is going to get a nice, newer vehicle, then they should have to make a payment every month for 4 years or so, you know like everyone else who takes a loan out. They should be responsible for excise taxes, maintenance etc. People who are on welfare shouldn't be given something like this and then turn around and sell it and pocket the money and just receive a slap on the wrist. Obviously, there is an abundance of corruption in the welfare program by the participants, let's not give them more freebies and allow them s chance to make money off of it. Let's use some common sense here



## Kreckel, Brendan D

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**From:** Baer, Julian  
**Sent:** Friday, July 24, 2020 4:24 PM  
**To:** Downs, Michael E  
**Subject:** FW: Webform submission from: Rulemaking comments

Why do these always come Friday evening?

---

**From:** drupal@informe.org <drupal@informe.org>  
**Sent:** Friday, July 24, 2020 3:38 PM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Fri, 07/24/2020 - 15:37

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**  
25p

**Name**

Laurianne brewer  
Maine resident



**Comments**

This is an absolutely horrible idea. Maine is full of hard working families, veterans and senior citizens that pay taxes. Taxes that could be spent on roads, law enforcement, education and care for our veterans, seniors and disabled. Taxes that should not be used to purchase vehicles for able bodied people, when many of Maine's hardworking tax payers cannot afford A decent vehicle of their own. People are living paycheck to paycheck in this state and to essentially reward people who are on PUBLIC ASSISTANCE already is wrong and will further encourage others to join in the ranks. You will be sending out a beacon to many who will simply take advantage of the taxpayers of Maine. Taxpayers work to be able to afford a vehicle. Want is a large motivator for people..if you WANT a new vehicle you WORK HARD to get it. Able bodied people can and should work and save to purchase a vehicle or finance one on their own. This only benefits a portion of Maine residents, but costs us all. To put this in place would be nothing short of disgraceful.

## Kreckel, Brendan D

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**From:** Baer, Julian  
**Sent:** Friday, July 24, 2020 4:34 PM  
**To:** Downs, Michael E  
**Subject:** FW: Webform submission from: Rulemaking comments

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**From:** drupal@informe.org <drupal@informe.org>  
**Sent:** Friday, July 24, 2020 3:55 PM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Fri, 07/24/2020 - 15:54

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**  
25P

**Name**

Jeremy Porter



**Comments**

As a Maine tax payer I do NOT support this program. Too many people already fraudulently abuse our welfare system and this, in my opinion, will only increase the fraud and waste and make matters worse. Not a good use of tax payer money.

## Kreckel, Brendan D

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**From:** Baer, Julian  
**Sent:** Friday, July 24, 2020 4:35 PM  
**To:** Downs, Michael E  
**Subject:** FW: Webform submission from: Rulemaking comments

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**From:** drupal@informe.org <drupal@informe.org>  
**Sent:** Friday, July 24, 2020 4:00 PM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Fri, 07/24/2020 - 15:59

Submitted by: Anonymous

Submitted values are:

### Rule you are commenting on

Working cars for working families

### Name

[REDACTED]

### Comments

How are these cars being paid for? I work and earn above welfare income limits, but I can't afford a car that falls into these guidelines. Mine is a 2015 but over that mileage and I'm paying almost 400 dollars a month for it. This program is unsustainable. I completely disagree with instituting it.

**Kreckel, Brendan D**

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**From:** Baer, Julian  
**Sent:** Friday, July 24, 2020 4:37 PM  
**To:** Downs, Michael E  
**Subject:** FW: Webform submission from: Rulemaking comments

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**From:** drupal@informe.org <drupal@informe.org>  
**Sent:** Friday, July 24, 2020 4:11 PM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Fri, 07/24/2020 - 16:11

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**  
Working cars for working families

**Name**  
Dana Smith



**Comments**

This program is absurd. New or used cars, 2015 or newer, under 70k miles, and with 25mpg minimum. We are a 2 income household and we can't afford those requirements. Our vehicles both have over 250k miles on them! Your going to be giving nice cars away to people working the system. Believe me, they are out there. There are people working "Just enough" to be eligible for this stuff! It kills me that my tax dollars will be wasted on this!

You need to have a way to track if people sell these vehicles, and if they do, recover any money made off of them. You know dang well people will be doing this and forging the bill of sales! Need a way to hold them accountable.

I'm 100% against this program as it is currently stated. They need to pay more than \$2700 for what is obviously a \$12k plus vehicle, if not more!

Make the cars plain jane bare bone models. No frills. There should be a line on what can be available for this program.

## Kreckel, Brendan D

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**From:** Baer, Julian  
**Sent:** Friday, July 24, 2020 4:47 PM  
**To:** Downs, Michael E  
**Subject:** FW: Webform submission from: Rulemaking comments

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**From:** drupal@informe.org <drupal@informe.org>  
**Sent:** Friday, July 24, 2020 3:51 PM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Fri, 07/24/2020 - 15:51

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**  
Aspire Rule 25P

**Name**

Kellie Lapierre



**Comments**

This is so unfair to taxpayers! This state can't afford to keep giving and giving. I object loudly to this concept. Stop enabling people to be on government assistance! This will also bring in more people from other states. Get real! So disappointed in Maine's government right now!

**Kreckel, Brendan D**

---

**From:** Baer, Julian  
**Sent:** Friday, July 24, 2020 4:48 PM  
**To:** Downs, Michael E  
**Subject:** FW: Webform submission from: Rulemaking comments

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**From:** drupal@informe.org <drupal@informe.org>  
**Sent:** Friday, July 24, 2020 4:22 PM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Fri, 07/24/2020 - 16:22

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**  
ASPIRE Rule 25P (working cars)

**Name**  
Rule 25P  
N /A



**Fax**  
[none](#)

**Comments**

I am very opposed to this Rule; providing cars for welfare recipients. We are not a wealthy State and can not afford additional expense. People who work can afford a vehicle and as their wages improve they can afford a better vehicle. Most of us in Maine have always worked and even into an old age continue to work so we can have the things we need. Why should we keep working to hand out more to those who do not? I'd rather see money go to elderly who struggle every month to eat and keep warm. Do not let this pass!!

**Kreckel, Brendan D**

---

**From:** Baer, Julian  
**Sent:** Friday, July 24, 2020 4:53 PM  
**To:** Downs, Michael E  
**Subject:** FW: Webform submission from: Rulemaking comments

---

**From:** drupal@informe.org <drupal@informe.org>  
**Sent:** Friday, July 24, 2020 4:39 PM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Fri, 07/24/2020 - 16:38

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**  
# 25P

**Name**  
Shane  
Citizen of the State of Maine



**Comments**

In these troubling financial times these types of Social programs must not be enacted.

## Kreckel, Brendan D

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**From:** Baer, Julian  
**Sent:** Friday, July 24, 2020 5:09 PM  
**To:** Downs, Michael E  
**Subject:** FW: Webform submission from: Rulemaking comments

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**From:** drupal@informe.org <drupal@informe.org>  
**Sent:** Friday, July 24, 2020 5:01 PM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Fri, 07/24/2020 - 17:01

Submitted by: Anonymous

Submitted values are:

### Rule you are commenting on

ASPIRE Rule #25P - Working Cars for Working Families

### Name

Rachel



### Comments

Who is going to track this?

People will get jobs, get their cars and quit shortly after The state can't keep track of what's going on now

Let's invite folks from out of state to participate in this and then go back home

Come on people!



**Kreckel, Brendan D**

---

**From:** Baer, Julian  
**Sent:** Tuesday, July 28, 2020 1:33 PM  
**To:** Downs, Michael E  
**Subject:** FW: Comment on ASPIRE Rule #25P - Working Cars for Working Families

-----Original Message-----

From: DHHS.Rulemaking.Comments@informe.org <DHHS.Rulemaking.Comments@informe.org>  
Sent: Monday, July 27, 2020 6:46 PM  
To: Baer, Julian <Julian.Baer@maine.gov>  
Subject: Comment on ASPIRE Rule #25P - Working Cars for Working Families

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The following comment was submitted in regards to ASPIRE Rule #25P - Working Cars for Working Families

Name: Robyn McCoach  
Title:  
Organization:



Comments:  
This is a bad idea even for a state that can afford it

**Kreckel, Brendan D**

---

**From:** Baer, Julian  
**Sent:** Tuesday, July 28, 2020 1:50 PM  
**To:** Downs, Michael E  
**Subject:** FW: Webform submission from: Rulemaking comments

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**From:** drupal@informe.org <drupal@informe.org>  
**Sent:** Friday, July 24, 2020 5:10 PM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Fri, 07/24/2020 - 17:09

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**  
ASPIRE Rule #25P

**Name**

Jane Bishop



**Comments**

I STRONGLY disapprove of this proposed rule. Those of us who have worked very hard all of our adult lives should absolutely not pay taxes to fund this plan. It is ridiculous to provide this type of welfare so they can then turnaround and spend their paychecks on drugs, cigarettes and booze.

**Kreckel, Brendan D**

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**From:** Baer, Julian  
**Sent:** Tuesday, July 28, 2020 1:53 PM  
**To:** Downs, Michael E  
**Subject:** FW: Webform submission from: Rulemaking comments

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**From:** drupal@informe.org <drupal@informe.org>  
**Sent:** Friday, July 24, 2020 5:15 PM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Fri, 07/24/2020 - 17:14

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**  
Rule 25p

**Name**

Melissa Albert



**Comments**

I am a tax paying citizen who has worked hard all my life paying my debts including my car payments to I can go to work every day. My husband has done the same since we were 15 years old. This is outrageous to squander tax paying money giving people on the state cars, that are 2015 to 2020 model cars FREE. You keep giving them everything the people on the state aid will not work towards getting off assistance. It is not my job as a citizen to work for their cars . This should have gone to vote by the people in the state of Maine. This is a solid I DO NOT APPROVE! This is wrong. My taxes from my business and my other job that I have to pay my debts should not support this bill. Sincerely, Melissa J Albert

## Kreckel, Brendan D

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**From:** Baer, Julian  
**Sent:** Tuesday, July 28, 2020 1:54 PM  
**To:** Downs, Michael E  
**Subject:** FW: Webform submission from: Rulemaking comments

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**From:** drupal@informe.org <drupal@informe.org>  
**Sent:** Friday, July 24, 2020 5:38 PM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Fri, 07/24/2020 - 17:38

Submitted by: Anonymous

Submitted values are:

### Rule you are commenting on

Cars for welfare families

### Name

Joshua D Bickford



### Comments

This is absurd! I work my butt off and don't get or want handouts. I don't want my tax money going to this program. No way!

## Kreckel, Brendan D

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**From:** Baer, Julian  
**Sent:** Tuesday, July 28, 2020 1:54 PM  
**To:** Downs, Michael E  
**Subject:** FW: Webform submission from: Rulemaking comments

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**From:** drupal@informe.org <drupal@informe.org>  
**Sent:** Friday, July 24, 2020 8:09 PM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Fri, 07/24/2020 - 20:09

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**  
#25p

**Name**

Working cars for working families



**Comments**

Is she crazy ? Honestly !

## Kreckel, Brendan D

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**From:** Baer, Julian  
**Sent:** Tuesday, July 28, 2020 1:56 PM  
**To:** Downs, Michael E  
**Subject:** FW: Webform submission from: Rulemaking comments

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**From:** drupal@informe.org <drupal@informe.org>  
**Sent:** Friday, July 24, 2020 8:21 PM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Fri, 07/24/2020 - 20:21

Submitted by: Anonymous

Submitted values are:

### Rule you are commenting on

ASPIRE Rule #25P - Working Cars for Working Families

### Name

James D Libby

Citizen



### Comments

This program sets a new precedent. Taxpayers should not be buying cars for people. I request a reconsideration of this program.

James Libby

Former State Senator

**Kreckel, Brendan D**

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**From:** Baer, Julian  
**Sent:** Tuesday, July 28, 2020 1:57 PM  
**To:** Downs, Michael E  
**Subject:** FW: Webform submission from: Rulemaking comments

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**From:** drupal@informe.org <drupal@informe.org>  
**Sent:** Saturday, July 25, 2020 5:27 AM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Sat, 07/25/2020 - 05:27

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**  
25P working cars for working people

**Name**

Tracey Benson  
Tracey Benson



**Comments**

In a time when the state is/has been shut down, businesses are closing and jobs are being lost, I don't think spending more money is the wisest idea this state government has had. We were forced to shut down businesses and do what we could while waiting for promised unemployment funds. DURING THE SHUT DOWN, WE SAW MANY BUSINESSES SHOW THEY COULD WORK FROM HOME. Why is the state looking to increase MY TAXES for this lame feel good idea? STOP SPENDING LIKE A DRUNK FOOL.

**Kreckel, Brendan D**

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**From:** Baer, Julian  
**Sent:** Tuesday, July 28, 2020 1:58 PM  
**To:** Downs, Michael E  
**Subject:** FW: Webform submission from: Rulemaking comments

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**From:** drupal@informe.org <drupal@informe.org>  
**Sent:** Saturday, July 25, 2020 8:57 AM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Sat, 07/25/2020 - 08:56

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**  
ASPIRE Rule #25P - Working Cars

**Name**  
Cynthia Swift



**Comments**

This proposed rule is an unnecessary burden to taxpayers and blatant attempt by the Mills administration to buy votes. The proposed rule as written would be a huge administrative burden to implement & is totally flawed. For instance, I see nothing that would prevent a recipient from submitting a pleading application of need and then quit their job after meeting the 30 day requirement. No way for the state to track their active job status. It is an insult to hard working Mainers.



## Kreckel, Brendan D

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**From:** Baer, Julian  
**Sent:** Tuesday, July 28, 2020 1:59 PM  
**To:** Downs, Michael E  
**Subject:** FW: Webform submission from: Rulemaking comments

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**From:** drupal@informe.org <drupal@informe.org>  
**Sent:** Saturday, July 25, 2020 10:31 AM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Webform submission from: Rulemaking comments

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Submitted on Sat, 07/25/2020 - 10:31

Submitted by: Anonymous

Submitted values are:

**Rule you are commenting on**  
#25p

**Name**

[REDACTED]

### Comments

We shouldn't be buying cars for anybody ,the working people have enough on our plates now.so many people are out of work now that the governor is keeping us on lock down for no reason. Some of the people can't afford to buy cars or pay insurance for themselves ,but are forced to pay for the welfare people to have them not right. Were are our representatives time to come out of hiding and do your JOB .

## Kreckel, Brendan D

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**From:** Baer, Julian  
**Sent:** Thursday, August 6, 2020 2:36 PM  
**To:** Downs, Michael E  
**Subject:** FW:

Should I just forward her your email?

---

**From:** beth pickens <bethpickens2013@gmail.com>  
**Sent:** Thursday, August 06, 2020 11:38 AM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:**

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

I have attempted to leave a public comment on the program "working cars for working families. I am strongly against this program. It is a miss management of tax payers money. I have seen first hand how giving a car to someone who didn't work to pay for it turns out. I would like to have information on the public forum to be held august 10th. Can you give me info on this thank you.

## Kreckel, Brendan D

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**From:** Baer, Julian  
**Sent:** Thursday, August 6, 2020 2:38 PM  
**To:** Downs, Michael E  
**Subject:** FW: Aspire Rule #25P

---

**From:** Wayne Paul <wpaul408@gmail.com>  
**Sent:** Sunday, August 02, 2020 10:04 AM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Aspire Rule #25P

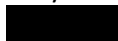
**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Sir

The following are issues with the above:

- 1} There is no mention of any verification of the employment situation other than the submission of the application.
- 2} Who is responsible for the verification of the statement of the inspection mechanic when verifying the condition of the vehicle that is in the family for reliability?
- 3} No mention of drug testing.
- 4} The title should not be presented to the recipient prior to the fulfillment of their commitment. By doing so you are transferring ownership and there would be a legal question of who owns the vehicle.
- 5} Who will monitor the maintenance and safety of the vehicle?
- 6} Who is liable for repairs not covered by the warranty?
- 7} Is the lemon law in effect for these vehicles?

Thank you  
Wayne Paul



**Kreckel, Brendan D**

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**From:** Baer, Julian  
**Sent:** Thursday, August 6, 2020 2:42 PM  
**To:** Downs, Michael E  
**Subject:** FW: Comment on ASPIRE Rule #25P - Working Cars for Working Families

-----Original Message-----

From: DHHS.Rulemaking.Comments@informe.org <DHHS.Rulemaking.Comments@informe.org>  
Sent: Saturday, August 01, 2020 7:47 AM  
To: Baer, Julian <Julian.Baer@maine.gov>  
Subject: Comment on ASPIRE Rule #25P - Working Cars for Working Families

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The following comment was submitted in regards to ASPIRE Rule #25P - Working Cars for Working Families

Name: Andrew Scott  
Title:  
Organization:



Comments:

Where does this end? Free food , heat, housing , phones , and now nice cars. I for one am tired of working my tail off to achieve my dreams only to lose money to people who abuse the system. There is a place for helping others but phones and cars are privileges not essential. You are reaching a point where the hard working people of Maine are going to simply stop paying you and stand up for our rights. We offer too many freebies in this state as it is that attracts nothing but more non workers to come here for a free ride. If you want to spend some money here how about hiring some people to start enforcing and policing these programs to get rid of the abusers.

**Kreckel, Brendan D**

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**From:** Baer, Julian  
**Sent:** Thursday, August 6, 2020 3:08 PM  
**To:** Downs, Michael E  
**Subject:** FW: Comment on ASPIRE Rule #25P - Working Cars for Working Families

This is definitely a top ten.

-----Original Message-----

From: DHHS.Rulemaking.Comments@informe.org <DHHS.Rulemaking.Comments@informe.org>  
Sent: Sunday, August 02, 2020 7:44 PM  
To: Baer, Julian <Julian.Baer@maine.gov>  
Subject: Comment on ASPIRE Rule #25P - Working Cars for Working Families

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The following comment was submitted in regards to ASPIRE Rule #25P - Working Cars for Working Families

Name: Kelly Lehoux  
Title:  
Organization:

[REDACTED]

Comments:

Are you fucking kidding me right now?  
This is absolutely ridiculous.

**Kreckel, Brendan D**

---

**From:** Baer, Julian  
**Sent:** Thursday, August 6, 2020 3:08 PM  
**To:** Downs, Michael E  
**Subject:** FW: Comment on ASPIRE Rule #25P - Working Cars for Working Families

-----Original Message-----

From: DHHS.Rulemaking.Comments@informe.org <DHHS.Rulemaking.Comments@informe.org>  
Sent: Monday, August 03, 2020 8:08 AM  
To: Baer, Julian <Julian.Baer@maine.gov>  
Subject: Comment on ASPIRE Rule #25P - Working Cars for Working Families

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The following comment was submitted in regards to ASPIRE Rule #25P - Working Cars for Working Families

Name: Brian Stephen  
Title:  
Organization:



Comments:

I do not understand why this is even open for discussion? My wife and I drive older cars than this and pay a lot more more money monthly than this will even come close to. We pay our taxes and still have to pay more. From what I read this is a done deal and no matter what ANYBODY says it will be put into law and no one will ever honestly get a say. Sad really!!! But this is what Maine as a Government has become. Time to move on I believe.

**Kreckel, Brendan D**

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**From:** Baer, Julian  
**Sent:** Monday, August 10, 2020 8:56 AM  
**To:** Downs, Michael E  
**Subject:** FW: Comment on ASPIRE Rule #25P - Working Cars for Working Families

-----Original Message-----

From: DHHS.Rulemaking.Comments@informe.org <DHHS.Rulemaking.Comments@informe.org>  
Sent: Monday, August 10, 2020 8:51 AM  
To: Baer, Julian <Julian.Baer@maine.gov>  
Subject: Comment on ASPIRE Rule #25P - Working Cars for Working Families

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The following comment was submitted in regards to ASPIRE Rule #25P - Working Cars for Working Families

Name: Jonathan Martell  
Title:  
Organization:



Comments:

Maine can't afford this, and why should welfare recipients have new vehicles when many Mainers live day to day with vehicles older than this. There are already transportation option out there in most Maine cities. This is bad for Maine, we can't afford it, and it will only hurt Mainers.

Please vote against this colossal waste of money.

## Kreckel, Brendan D

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**From:** Baer, Julian  
**Sent:** Monday, August 10, 2020 8:55 AM  
**To:** Downs, Michael E  
**Subject:** FW: NO ASPIRE Rule #25P – Working Cars for Working Families

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**From:** littlebigred82 <littlebigred82@aol.com>  
**Sent:** Monday, August 10, 2020 7:28 AM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** NO ASPIRE Rule #25P – Working Cars for Working Families

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

I do not support ASPIRE Rule #25P – Working Cars for Working Families.

Please stop this program. There are so many issues and I don't believe there is ever z good time... but especially not now.

As a Maine citizen I do not support.

Jessica P Meek

Sent from my Verizon, Samsung Galaxy smartphone



**Kreckel, Brendan D**

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**From:** Baer, Julian  
**Sent:** Monday, August 10, 2020 8:54 AM  
**To:** Downs, Michael E  
**Subject:** FW: ASPIRE Rule #25P – Working Cars for Working Families

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**From:** littlebigred82 <littlebigred82@aol.com>  
**Sent:** Saturday, August 08, 2020 2:59 AM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** ASPIRE Rule #25P – Working Cars for Working Families

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

I am writing to tell you I do not support ASPIRE Rule #25P – Working Cars for Working Families.

Jessica Meek  


Sent from my Verizon, Samsung Galaxy smartphone

**Kreckel, Brendan D**

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**From:** Baer, Julian  
**Sent:** Monday, August 10, 2020 8:55 AM  
**To:** Downs, Michael E  
**Subject:** FW: AGAINST (ASPIRE Rule #25P – Working Cars for Working Families)

-----Original Message-----

From: Rebecca Cummings <greg\_becca\_2000@yahoo.com>  
Sent: Sunday, August 09, 2020 12:00 PM  
To: Baer, Julian <Julian.Baer@maine.gov>  
Subject: AGAINST (ASPIRE Rule #25P – Working Cars for Working Families)

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.


To Whom It May Concern:

I DO NOT SUPPORT Aspire Rule #25P Working Cars for Working Families!

Taxpayers of Maine have paid for various public transportation services and upgrades over the years and now you expect us to buy people cars?!?

This is fraud, waste, and abuse of taxpayer funds and DHHS services!!!

I have ZERO confidence in the Mills' administration and I am 100% AGAINST Aspire Rule #25P Working Cars for Working Families!!!!

~Rebecca Cummings  


**Kreckel, Brendan D**

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**From:** Baer, Julian  
**Sent:** Monday, August 10, 2020 5:15 PM  
**To:** Downs, Michael E  
**Cc:** Russell, Sara  
**Subject:** FW: Comment on ASPIRE Rule #25P - Working Cars for Working Families

Including Sara, just because of the nature of his comment.

-----Original Message-----

From: DHHS.Rulemaking.Comments@informe.org <DHHS.Rulemaking.Comments@informe.org>  
Sent: Monday, August 10, 2020 5:11 PM  
To: Baer, Julian <Julian.Baer@maine.gov>  
Subject: Comment on ASPIRE Rule #25P - Working Cars for Working Families

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The following comment was submitted in regards to ASPIRE Rule #25P - Working Cars for Working Families

Name: MARK DUQUETTE  
Title: SELECTMAN TOWN OF SABATTUS  
Organization: WORKING FOR WHAT I HAVE



Comments:

I AM A DEMOCRAT. I DO NOT SUPPORT GIVING CARS TO PEOPLE FOR JUST ABOUT NOTHING. AS A SELECTMAN THAT DEALS WITH THE GENERAL ASSISTANCE PROGRAM I SEE A LOT OF FRAUD. I HAVE WORKED 2 JOBS FOR EVERYTHING I HAVE AS MANY PEOPLE DO AND BELIEVE OUR TAX DOLLARS WOULD BE MORE EFFECTIVE AND APPRECIATED ELSEWHERE. I AM WILLING TO ADDRESS THIS FURTHER IF SOMEONE WOULD LIKE TO CALL ME. THANK YOU

**Kreckel, Brendan D**

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**From:** Baer, Julian  
**Sent:** Monday, August 10, 2020 5:08 PM  
**To:** Downs, Michael E  
**Subject:** FW: Comment on ASPIRE Rule #25P - Working Cars for Working Families

-----Original Message-----

From: DHHS.Rulemaking.Comments@informe.org <DHHS.Rulemaking.Comments@informe.org>  
Sent: Monday, August 10, 2020 4:53 PM  
To: Baer, Julian <Julian.Baer@maine.gov>  
Subject: Comment on ASPIRE Rule #25P - Working Cars for Working Families

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The following comment was submitted in regards to ASPIRE Rule #25P - Working Cars for Working Families

Name: Wendy Hansen  
Title: Mrs.



Comments:

I disagree totally with this program as it is just another way to allow people to take advantage of free things from Maine. There is no accountability at the end either. The vehicle no matter the value is given after a certain amount of monthly payments. The payments are used to maintain the vehicle so it is free. Children will be allowed to drive and then the promise of "Of course I won't drink and drive", etc. The tax payers are funding this like all the other free things people sign up for in Maine. I listened to some of the comments on line and they all have valid points but this never should have been put forth in the first place. We are being forced to endure a pandemic and monies are short. Why are cars being given away! There are buses that can be used for this same purpose. It already works for shopping etc. They find a way to take care of any children in order to use the buses.

## Kreckel, Brendan D

---

**From:** Baer, Julian  
**Sent:** Monday, August 10, 2020 4:45 PM  
**To:** Downs, Michael E  
**Subject:** FW: Cars for Welfare

---

**From:** Christine Heath <divaqueen42@aol.com>  
**Sent:** Monday, August 10, 2020 4:45 PM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Cars for Welfare

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Dear Julian

I am sending this to write in my vote to condemn this action. This is the most irresponsible action of our state. A waste of money and an insult to the people of Maine. So, NO NO NO!

Thank you for your attention to this email.

Christine Heath

## Kreckel, Brendan D

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**From:** Baer, Julian  
**Sent:** Monday, August 10, 2020 4:41 PM  
**To:** Downs, Michael E  
**Subject:** FW: Welfare cars

-----Original Message-----

From: condonpac53@gmail.com <condonpac53@gmail.com>  
Sent: Monday, August 10, 2020 4:41 PM  
To: Baer, Julian <Julian.Baer@maine.gov>  
Subject: Welfare cars

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am so outraged at Maine having no money and the foolish things they are spending it on. Giving people a car on welfare is so ridiculous. Look how well they take care of their stuff that we the tax payers have had to give them. They don't want to work, those that want to work will find a way.. Those cars will be destroyed in no time and they will not be doing the up keep. I'm tired of Mills wasting our money. I have always had to work for what I have, my parents didn't buy me a car, I worked and earned my own and paid for my insurance and gas and repair. Go check out the houses that you give them. They sure don't take care of those.  
Sent from my iPad

**Kreckel, Brendan D**

---

**From:** Baer, Julian  
**Sent:** Monday, August 10, 2020 3:35 PM  
**To:** Downs, Michael E  
**Subject:** FW: Comment on ASPIRE Rule #25P - Working Cars for Working Families

-----Original Message-----

From: DHHS.Rulemaking.Comments@informe.org <DHHS.Rulemaking.Comments@informe.org>  
Sent: Monday, August 10, 2020 3:32 PM  
To: Baer, Julian <Julian.Baer@maine.gov>  
Subject: Comment on ASPIRE Rule #25P - Working Cars for Working Families

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The following comment was submitted in regards to ASPIRE Rule #25P - Working Cars for Working Families

Name: Elizabeth D. Jones  
Title:



Comments:

What is so much different now than 60 years ago? I raised 3 kids by myself with no help from the state or their father for the first 5-6 yrs of their lives. In order to qualify for a piddling amount of state aid, you had to be legally separated for 6 mos. Who could survive that long. Well I did and no one bought me anything. My children are contributing citizens and I never got a dime from anyone. This proposal is pure BS.

**Kreckel, Brendan D**

---

**From:** Baer, Julian  
**Sent:** Monday, August 10, 2020 3:14 PM  
**To:** Downs, Michael E  
**Subject:** FW: Comment on ASPIRE Rule #25P - Working Cars for Working Families

-----Original Message-----

From: DHHS.Rulemaking.Comments@informe.org <DHHS.Rulemaking.Comments@informe.org>  
Sent: Monday, August 10, 2020 2:53 PM  
To: Baer, Julian <Julian.Baer@maine.gov>  
Subject: Comment on ASPIRE Rule #25P - Working Cars for Working Families

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The following comment was submitted in regards to ASPIRE Rule #25P - Working Cars for Working Families

Name: Gale Hill  
Title:  
Organization:



Comments:

I have the following concerns with ASPIRE Rule #25P:

- 1.) Clarification needed between Draft Rule requiring issue of Title within 30 days vs. RFI requiring within 90 days
- 2.) Clarification of catalyst action for title to be issued; when participant receives vehicle after 3 premium payments equaling \$300 or at graduation of program after all premium payments equaling \$2700
- 3.) Clarification needed between Draft Rules statement that participant is responsible for vehicle maintenance and insurance vs RFI statement that the premium payments of \$2700 from the participant is to be held in a fund to assist participant with vehicle maintenance and insurance costs essentially making the vehicle free to the participant.
- 4.) There is no language in RFI stating the dispersal manner of any residual funding if any results from holding the premium payments in an account. Do the residual funds return to the participant, stay in the account to assist other participants, or be used as partial compensation to the State for purchase of the vehicles?
- 5.) There is no language stating the participants must retain the vehicle for any specified length of time after the graduation from program.
- 6.) There is no language stating any repercussions should anyone other than participant drive vehicle and damage it in any type of accident or receive any vehicular violation.
- 7.) Given the current poor financial situation of the State of Maine due to the Covid -19 pandemic the cost of implementing ASPIRE #25P at this time will provide undue hardship for the taxpayers of Maine.



**Kreckel, Brendan D**

---

**From:** Baer, Julian  
**Sent:** Monday, August 10, 2020 2:27 PM  
**To:** Downs, Michael E  
**Subject:** FW: Comment on ASPIRE Rule #25P - Working Cars for Working Families

-----Original Message-----

From: DHHS.Rulemaking.Comments@informe.org <DHHS.Rulemaking.Comments@informe.org>  
Sent: Monday, August 10, 2020 2:26 PM  
To: Baer, Julian <Julian.Baer@maine.gov>  
Subject: Comment on ASPIRE Rule #25P - Working Cars for Working Families

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The following comment was submitted in regards to ASPIRE Rule #25P - Working Cars for Working Families

Name: John Keizer  
Title:  
Organization:



Comments:

I donâ€™t think that state will be able to effectively run this program. If someone can barely afford a car, there is no way they can afford the insurance, repairs and gas that come with it. I also find it will be increasingly difficult for the state to determine who should be eligible for the vehicles. This is a poor decision that will not play out that way it is expected to. Learned helplessness is a true thing and this will only encourage it more.

**Kreckel, Brendan D**

---

**From:** Baer, Julian  
**Sent:** Monday, August 10, 2020 3:08 PM  
**To:** Downs, Michael E  
**Subject:** FW: Comment on ASPIRE Rule #25P - Working Cars for Working Families

-----Original Message-----

From: DHHS.Rulemaking.Comments@informe.org <DHHS.Rulemaking.Comments@informe.org>  
Sent: Monday, August 10, 2020 2:35 PM  
To: Baer, Julian <Julian.Baer@maine.gov>  
Subject: Comment on ASPIRE Rule #25P - Working Cars for Working Families

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The following comment was submitted in regards to ASPIRE Rule #25P - Working Cars for Working Families

Name: John Tilton  
Title:  
Organization:

[REDACTED]

Comments:

Another rip-off by the Democrats. People should work for a car. A 2015 or newer, \$10,000 car is ridiculous. Many people are driving much older cars, worth much less than \$10,000.

## Kreckel, Brendan D

---

**From:** Baer, Julian  
**Sent:** Monday, August 10, 2020 2:24 PM  
**To:** Downs, Michael E  
**Subject:** FW: Welfare car program

-----Original Message-----

From: dggarnett@myfairpoint.net <dggarnett@myfairpoint.net>  
Sent: Monday, August 10, 2020 9:29 AM  
To: Baer, Julian <Julian.Baer@maine.gov>  
Subject: Welfare car program

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am not in favor of the welfare car program. This program is a waste of our tax dollars and is totally absurd. The program has faulty checks and balances.

You can help welfare recipients in many other ways than giving them cars.

Do not allow this program to be pushed through.

Denise Garnett.

Sent from my iPad

**Kreckel, Brendan D**

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**From:** Baer, Julian  
**Sent:** Monday, August 10, 2020 2:18 PM  
**To:** Downs, Michael E  
**Subject:** FW: Comment on ASPIRE Rule #25P - Working Cars for Working Families

-----Original Message-----

From: DHHS.Rulemaking.Comments@informe.org <DHHS.Rulemaking.Comments@informe.org>  
Sent: Monday, August 10, 2020 2:15 PM  
To: Baer, Julian <Julian.Baer@maine.gov>  
Subject: Comment on ASPIRE Rule #25P - Working Cars for Working Families

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The following comment was submitted in regards to ASPIRE Rule #25P - Working Cars for Working Families

Name: Anonymous  
Title:  
Organization:



Comments:

I see a great potential for fraud, waste, and abuse with this program...especially when the Mills' administration is operating in the negative and departments are being asked to cut 10% from their budgets. I don't believe Maine has the funds or personnel to implement this program!!!

**Kreckel, Brendan D**

---

**From:** Baer, Julian  
**Sent:** Monday, August 10, 2020 2:12 PM  
**To:** Downs, Michael E  
**Subject:** FW: Comment on ASPIRE Rule #25P - Working Cars for Working Families

-----Original Message-----

From: DHHS.Rulemaking.Comments@informe.org <DHHS.Rulemaking.Comments@informe.org>  
Sent: Monday, August 10, 2020 12:43 PM  
To: Baer, Julian <Julian.Baer@maine.gov>  
Subject: Comment on ASPIRE Rule #25P - Working Cars for Working Families

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The following comment was submitted in regards to ASPIRE Rule #25P - Working Cars for Working Families

Name: Steven Hartley  
Title: Mr.  
Organization:



Comments:

As a new car dealer I'm very strongly against this program. I do not want my tax dollars spent this way. As written this program is loaded with possible corruption. With the condition of this states finances, The state needs to spend money on other needed programs. NOT pandering to a select few

**Kreckel, Brendan D**

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**From:** Baer, Julian  
**Sent:** Monday, August 10, 2020 2:08 PM  
**To:** Downs, Michael E  
**Subject:** FW: Comment on ASPIRE Rule #25P - Working Cars for Working Families

-----Original Message-----

From: DHHS.Rulemaking.Comments@informe.org <DHHS.Rulemaking.Comments@informe.org>  
Sent: Monday, August 10, 2020 1:27 PM  
To: Baer, Julian <Julian.Baer@maine.gov>  
Subject: Comment on ASPIRE Rule #25P - Working Cars for Working Families

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The following comment was submitted in regards to ASPIRE Rule #25P - Working Cars for Working Families

Name: Anonymous  
Title:  
Organization:



Comments:

Are applicants required to show proof of legal U.S. citizenship to qualify for this program? If not, why?  
Is there a minimum residency requirement in Maine prior, during, or after applying. If not, why?

**Kreckel, Brendan D**

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**From:** Baer, Julian  
**Sent:** Monday, August 10, 2020 2:05 PM  
**To:** Downs, Michael E  
**Subject:** FW: ASPIRE25P Public Comment

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**From:** Christopher Dyer <cdyercpa@gmail.com>  
**Sent:** Monday, August 10, 2020 1:38 PM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** ASPIRE25P Public Comment


**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Thank you for holding a public comment hearing today. I would prefer my comments remain anonymous but wanted to echo much of what was presented by Julie, the People Before Politics representative.

- (1) There is a significant lack of clarity in the RFP.
- (2) The rule should require that vehicles be sourced from Maine based dealerships
- (3) The financial participation of program recipients should be increased, potentially over time (to coincide with the increased earning potential brought by access to a reliable vehicle) and amounts paid by recipients should not be 'escrowed' for their own excise taxes, maintenance etc. for the vehicles.

I would hope these, along with all of the comments presented by People Before Politics be addressed/incorporated before any version of this program is implemented.

Thank you,

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\*\*\*\*\*  
Christopher Dyer, CPA  


**Kreckel, Brendan D**

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**From:** Baer, Julian  
**Sent:** Monday, August 10, 2020 2:03 PM  
**To:** Downs, Michael E  
**Subject:** FW: Comment on ASPIRE Rule #25P - Working Cars for Working Families

-----Original Message-----

From: DHHS.Rulemaking.Comments@informe.org <DHHS.Rulemaking.Comments@informe.org>  
Sent: Monday, August 10, 2020 1:43 PM  
To: Baer, Julian <Julian.Baer@maine.gov>  
Subject: Comment on ASPIRE Rule #25P - Working Cars for Working Families

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The following comment was submitted in regards to ASPIRE Rule #25P - Working Cars for Working Families

Name: Nathan Leach  
Title:  
Organization:



Comments:

This is a completely unjustifiable income redistribution scheme. The state government has no business giving cars away, regardless of the "need" for them. The money to operate this and other giveaway schemes comes from hard-working taxpayers. This is not what you've been elected to do!



## Kreckel, Brendan D

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**From:** Baer, Julian  
**Sent:** Monday, August 10, 2020 2:02 PM  
**To:** Downs, Michael E  
**Subject:** FW: Hearing question

---

**From:** Nancy Clark <nanclark26@gmail.com>  
**Sent:** Monday, August 10, 2020 2:01 PM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Hearing question

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Why now? Why go forward with this now? During a time of financial instability in the state and in the country, isn't it an overreach to think the State of Maine can afford this program now? Heck, we're running in the red now! Thanks to Governor Mills & her constant spending.

Nancy Clark

**Kreckel, Brendan D**

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**From:** Baer, Julian  
**Sent:** Monday, August 10, 2020 2:01 PM  
**To:** Downs, Michael E  
**Subject:** FW: Comment on ASPIRE Rule #25P - Working Cars for Working Families

-----Original Message-----

From: DHHS.Rulemaking.Comments@informe.org <DHHS.Rulemaking.Comments@informe.org>  
Sent: Monday, August 10, 2020 1:50 PM  
To: Baer, Julian <Julian.Baer@maine.gov>  
Subject: Comment on ASPIRE Rule #25P - Working Cars for Working Families

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The following comment was submitted in regards to ASPIRE Rule #25P - Working Cars for Working Families

Name: Anonymous  
Title:  
Organization:



Comments:

I do not believe you have the financial or personnel resources to implement this program! What happens if the car is driven or wrecked by an unauthorized user? Are tax payers refunded if the car receipt sells the car? Will car recipients/households still receive discounted or free bus fare? Who pays for parking? Impound fees if towed/stored? Maintenance fees? Insurance?

**Kreckel, Brendan D**

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**From:** Baer, Julian  
**Sent:** Monday, August 10, 2020 1:58 PM  
**To:** Downs, Michael E  
**Subject:** FW: Comment on ASPIRE Rule #25P - Working Cars for Working Families

-----Original Message-----

From: DHHS.Rulemaking.Comments@informe.org <DHHS.Rulemaking.Comments@informe.org>  
Sent: Monday, August 10, 2020 1:52 PM  
To: Baer, Julian <Julian.Baer@maine.gov>  
Subject: Comment on ASPIRE Rule #25P - Working Cars for Working Families

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The following comment was submitted in regards to ASPIRE Rule #25P - Working Cars for Working Families

Name: Anonymous  
Title:  
Organization:



Comments:

If the phone line is silent, why not read some of the e-mailed comments? Online comments?

**Kreckel, Brendan D**

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**From:** Baer, Julian  
**Sent:** Monday, August 17, 2020 1:33 PM  
**To:** Downs, Michael E  
**Subject:** FW: Cars for workers maine people

---

**From:** Yahoo <tinafields1978@yahoo.com>  
**Sent:** Monday, August 17, 2020 1:23 PM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Cars for workers maine people

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

In regards to :

## **WORKING CARS FOR WORKING FAMILIES,**

You have to be joking right? There isn't a way to make sure these people don't sell these cars. How do you keep track of them? Why is it they can have a new car at almost no cost, but hard working people can't?

The cars can be bought anywhere? So Maine dealerships lose there too? They have the title in 90 days? Seriously? Those cars are as good as gone. And that's not welfare fraud, that is THEFT! This whole program is a waist of taxpayers money. There are better uses.

Tina Courtway  
Sent from my iPhone

## Kreckel, Brendan D

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**From:** Baer, Julian  
**Sent:** Tuesday, August 18, 2020 11:28 PM  
**To:** Downs, Michael E  
**Subject:** FW: Comments on: ASPIRE Rule #25P - Working Cars for Working Families

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**From:** Janeen L Feero <JFeero@penquis.org>  
**Sent:** Tuesday, August 18, 2020 6:19 PM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Comments on: ASPIRE Rule #25P - Working Cars for Working Families

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Good evening, Julian,

The ASPIRE Rule #25P - Working Cars for Working Families raised a number of questions among Penquis staff. I have provided those below. While these are mostly questions rather than comments, I hope they might provide some indication of areas of concern or confusion.

If an adult in the household has a vehicle but will not let the applicant use it, will you accept a letter from the vehicle owner to attest to this? Will this letter let the applicant become eligible?

Will DHHS provide or facilitate transportation for the applicant to attend the in-person meeting once per month for the 6 months required?

Can you explain the reasoning around the applicant not being able to use the vehicle for a job/volunteer position that would pay them mileage?

Are we reading this correctly that the program is for TANF and PaS beneficiaries as well as those who may not be receiving the benefits yet but who are eligible for Alternative Aid? (Basically can TANF eligible but not active TANF participants participate in any way?) Or must they become a TANF participant first? If eligible non-TANF participants are allowed into the program, the number of potential participants is significantly higher and there are significant concerns on where to focus resources – either on the transportation/ride portion or the car ownership portion of the RFP.

What if their income is over the 250% of poverty during the program- do we take the car back?

Is this program meant to:

- Provide temporary transportation as a pathway/temporary measure while the participant becomes eligible to own a car
- Or to provide both transportation separately from car ownership (can be unconnected)
- Or is the emphasis on one over the other? Ownership is more critical vs. Transportation Services.

How much say does a participant have in the transportation needs assessment? For example, there may be a nearby bus route or other alternative, but after an explanation, a personally owned car is deemed the most logical due to scheduling of work, etc.

Thank you.

Janeen



**Janeen Feero**  
Development Director  
262 Harlow St. Bangor, ME 04401  
207.973.3574 (office) | [www.penquis.org](http://www.penquis.org)  
207.570.0875 (mobile)

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## Kreckel, Brendan D

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**From:** Baer, Julian  
**Sent:** Wednesday, August 19, 2020 12:58 PM  
**To:** Downs, Michael E  
**Subject:** FW: Cars for welfare recipients

---

**From:** The McGowans <smmcgowan1@juno.com>  
**Sent:** Wednesday, August 19, 2020 11:58 AM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Cars for welfare recipients

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Dear Sir,

Please as a tax payer of Maine I am asking you to stop the Cars for Welfare Recipients program. Our State can not afford to give yet another freebie to welfare recipients. I do not appreciate the misuse of my tax dollars.

I grew up poor and was never given a hand out and am now gainfully employed and supporting a family. People need to earn things in life not be handed everything for "free". This is what our country is founded on hard work and the result of that hard work.

Middle class people are out of jobs, small business are closing and the governor wants to give away cars to people who have not earned them? This makes no sense. It is especially offensive that she is passing laws during the COVID-19 pandemic. She should passing laws behind closed doors and behind peoples' backs.

Thank you for hearing my concerns,

Shelley McGowan  


**Kreckel, Brendan D**

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**From:** Baer, Julian  
**Sent:** Wednesday, August 19, 2020 12:57 PM  
**To:** Downs, Michael E  
**Subject:** FW: Working cars for welfare recipients

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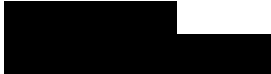
**From:** Deschambeault, Rob <Rob.Deschambeault@truproject.com>  
**Sent:** Wednesday, August 19, 2020 12:53 PM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Working cars for welfare recipients

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Sir,

Please do not allow this poor bill to become law. There are many problems with this bill. This is ripe for fraud and misuse. I consider it a major waste of taxpayer funds.

Respectfully,  
Robert Deschambeault



Sent from my Verizon, Samsung Galaxy smartphone



## Kreckel, Brendan D

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**From:** Baer, Julian  
**Sent:** Wednesday, August 19, 2020 12:50 PM  
**To:** Downs, Michael E  
**Subject:** FW: Cars for welfare recipients

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**From:** kelly cummings <kellyannc23@yahoo.com>  
**Sent:** Wednesday, August 19, 2020 12:48 PM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Cars for welfare recipients

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hi Julian,  
My name is Kelly. I am absolutely 100% against the bill, "working cars for working families" that Janet Mills and her clan have concocted and are trying to pass. This is sickening to all of us hard working people that cannot even afford a car as new as the ones she is giving away. Especially when they are going to be given the title with 90 days and there are no stipulations keeping them from selling the car. What makes her think that people can afford to take care of a car when they can't even buy one. There is a lot of preventive maintenance required on vehicles. I want this bill stopped now!!! If Mills wants to give people free cars then she can do it with her own person money, not mine.  
Thank you.

**Kreckel, Brendan D**

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**From:** Baer, Julian  
**Sent:** Wednesday, August 19, 2020 12:49 PM  
**To:** Downs, Michael E  
**Subject:** FW: Cars for free to welfare recipients

-----Original Message-----

**From:** Tera Day <terajeanne@icloud.com>  
**Sent:** Wednesday, August 19, 2020 12:28 PM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Cars for free to welfare recipients

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This is insane. Where is their incentive to work if you keep giving them everything for free? Not fair to the working people of Maine who bust their asses and some working 2-3 jobs but paying their own way!!!  
Time for welfare to stop making it so easy for people to sit in their ass and get free shit!!  
Sent from my iPhone

## Kreckel, Brendan D

---

**From:** Baer, Julian  
**Sent:** Wednesday, August 19, 2020 12:48 PM  
**To:** Downs, Michael E  
**Subject:** FW: Working Cars For Working Families - Public Comment

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**From:** Chelsea Tripp <cntripp@aol.com>  
**Sent:** Wednesday, August 19, 2020 12:31 PM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Working Cars For Working Families - Public Comment

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

I think there could be potential with this program but it has been pushed through far too quickly with far too little input from Maine legislators and the public. There are many problems with this program the way it is currently written and it can easily be taken advantage of by those participating in the program. If people, no matter the amount, take advantage of the problems with this program, it will cost Maine a lot of money, which should be especially concerning given the projected shortfalls in the Maine budget for the next couple of years. I implore you to reject this program and send it back to the drawing board to be reworked into a viable program with rules and regulations that are fair and can be easily upheld.

*Sent from my Verizon Motorola Smartphone*

**Kreckel, Brendan D**

---

**From:** Baer, Julian  
**Sent:** Wednesday, August 19, 2020 12:44 PM  
**To:** Downs, Michael E  
**Subject:** FW: Bill

-----Original Message-----

From: dawnstocks1955@gmail.com <dawnstocks1955@gmail.com>  
Sent: Wednesday, August 19, 2020 12:31 PM  
To: Baer, Julian <Julian.Baer@maine.gov>  
Subject: Bill

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Is this true?????? Gov. Mills is about to sign off on a bill that will buy cars for Mainers who receive welfare benefits?? If this is so, she and everyone is more off their rockers than I though I'd ever live to see. I just retired and I worked all my life to receive anything I ever got. I didn't have much but I never expected any kind of hand out either. If this is true, it absolutely makes me want to vomit on her head!!!!

Sent from my iPad

**Kreckel, Brendan D**

---

**From:** Baer, Julian  
**Sent:** Wednesday, August 19, 2020 12:43 PM  
**To:** Downs, Michael E  
**Subject:** FW: Cars

-----Original Message-----

From: Robert Kittredge <hardc2@icloud.com>  
Sent: Wednesday, August 19, 2020 12:33 PM  
To: Baer, Julian <Julian.Baer@maine.gov>  
Subject: Cars

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am a small business Owner and think this is a bad idea I plan on voting for Sue Collins and Paul Lepage Just my opinion

Sent from my iPhone

## Kreckel, Brendan D

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**From:** Baer, Julian  
**Sent:** Wednesday, August 19, 2020 12:43 PM  
**To:** Downs, Michael E  
**Subject:** FW:

---

**From:** Kelly Charles <kellyjean116@gmail.com>  
**Sent:** Wednesday, August 19, 2020 12:35 PM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:**

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Please do not support the bill from Janet Mills, to give people on welfare a new vehicle. It's absolutely absurd. There is no incentive for these people On Welfare to want to better them selves if the state provides them with nice things , that the working people can not even afford. Our previous governor proved that by Lessing welfare, people went and found jobs, and made them selves better people. We must start holding people accountable for their actions, to want to strive to make them selves better. Nothing is appreciated when it is given and not earned. Please do not pass this bill!

Thank you for your valuable time,

Kelly Hansen

## Kreckel, Brendan D

---

**From:** Baer, Julian  
**Sent:** Thursday, August 20, 2020 4:38 PM  
**To:** Downs, Michael E  
**Subject:** FW: Purchase of cars for welfare recipients

-----Original Message-----

From: Wanda Hale <whal3847@yahoo.com>  
Sent: Thursday, August 20, 2020 4:25 PM  
To: Baer, Julian <Julian.Baer@maine.gov>  
Subject: Purchase of cars for welfare recipients

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am appalled that this proposal is even being considered. Working in a hospital I see the Main Care patients that take advantage of this program. Indeed, have seen people from outside the state come here to “enjoy” the benefits for the poor. Increased “babysitting” has to be done in hospitals because of the lack of mental health care and help with addiction issues.

At the same time we have our senior citizens needing more help with the prices of food, housing, lack of assistive care when needed! These are the people that have worked for YEARS for this state. There must be more promotional things that could be done for the state than this. How about giving people a tax break when they’ve lived in the state for so many years and are entering retirement? How about making this a state that people want to retire to instead of not retiring here because it is so tax heavy? How about bringing businesses here that will help make us grow? But no, our leaders want to put more burden on the taxpayers by giving more to the poor. This was apparent when people got their extra bonus from government, did i they pay bills? A lot did not. Their kids still went hungry while more drugs and adult play toys were purchased.

This is only a quick note of my thoughts on this but I am a “close to retiring” working member of this state for over 50 years. I do not begrudge those that need help but I have seen, and am seeing many areas that we should start cleaning up and making others as responsible as the working class is.

Thank you for reading my comments.

Wanda Hale

Sent from my iPad

**Kreckel, Brendan D**

---

**From:** Baer, Julian  
**Sent:** Thursday, August 20, 2020 4:36 PM  
**To:** Downs, Michael E  
**Subject:** FW: Free cars

-----Original Message-----

From: Myfairpoint.net <boomer53@myfairpoint.net>  
Sent: Thursday, August 20, 2020 4:34 PM  
To: Baer, Julian <Julian.Baer@maine.gov>  
Subject: Free cars

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This is the worst idea I have ever heard of coming from a so called sane responsible person. Stop this before it's too late. Governor Mills is trying to destroy our state!  
Sent from my iPad



## Kreckel, Brendan D

---

**From:** Baer, Julian  
**Sent:** Wednesday, August 19, 2020 6:01 PM  
**To:** Downs, Michael E  
**Subject:** FW: Working cars for working families

-----Original Message-----

From: Sue <scraig@roadrunner.com>  
Sent: Wednesday, August 19, 2020 5:47 PM  
To: Baer, Julian <Julian.Baer@maine.gov>  
Subject: Working cars for working families

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The poorly conceived “working cars for working families“ program should not be implemented during such uncertain budget times for the State. A hand up is to be commended but a hand out never works. There are more efficient ways to insure transportation to welfare recipients. How someone on welfare can afford all the associated costs of having a car escapes me. Gasoline, regular maintenance, unexpected repairs, and insurance are costs are too burdensome. The penalties for abusing the program are too weak and will not be enough of a restraint. Please abandon this plan.

Suzanne Craig

Sent from my iPhone

**Kreckel, Brendan D**

---

**From:** Baer, Julian  
**Sent:** Friday, August 21, 2020 12:05 AM  
**To:** Downs, Michael E  
**Subject:** FW: Working cars for working families

-----Original Message-----

From: Jodie Logan <jodie.c.logan@gmail.com>  
Sent: Thursday, August 20, 2020 9:17 PM  
To: Baer, Julian <Julian.Baer@maine.gov>  
Subject: Working cars for working families

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon,

I want to voice my strong opposition to “working cars for working families”. I’m sure you’ve heard multiple reasons why people would not want this to go through and I will not reiterate them. I do, however, want to let you know that I’m opposed to this.

Jodie Logan

**Kreckel, Brendan D**

---

**From:** Baer, Julian  
**Sent:** Friday, August 21, 2020 12:03 AM  
**To:** Downs, Michael E  
**Subject:** FW: NOOOOO. On working cars for working families.

We are definitely including this late submission.

---

**From:** Meredith Toumayan <meredith.toumayan@gmail.com>  
**Sent:** Thursday, August 20, 2020 10:11 PM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Fwd: NOOOOO. On working cars for working families.

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Please add my name to the list of those opposed to this bill. It is not sufficiently hammered out to function effectively. Better to subsidize bus service, create more special taxis. This program is rife for abuse. Outrageous! And yes I missed the 5 pm deadline- coz I had to find out about this just now FROM a FB post!!!

Thanks for listening, Meredith

--

**Meredith Toumayan**

[REDACTED]

[REDACTED]

[REDACTED]

--

**Meredith Toumayan**

[REDACTED]

[REDACTED]

[REDACTED]

## Kreckel, Brendan D

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**From:** Baer, Julian  
**Sent:** Thursday, August 20, 2020 6:30 PM  
**To:** Downs, Michael E  
**Subject:** FW: Against buying welfare vehicles.

---

**From:** kafslfjgk15 <kafslfjgk15@gmail.com>  
**Sent:** Thursday, August 20, 2020 10:24 AM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Against buying welfare vehicles.

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hello,

I would like to start off by saying that as a Mainer, I am fully against buying people on welfare a vehicle. There are plenty of other resources the people on welfare receive, and collect, and they have plenty of resources to get to and from.

I am ashamed that Sara Gideon, and our "Governor" Mills, has made a decision that, that is where money should be going and pushing it through during a pandemic. While the "Governor" has kept Maine shut down. I am a hard working 28 year old, single mother of one, a tax payer, and a home owner. I have had to work through this pandemic, as an "essential employee" on the front lines as a nurse. Governor Mills has decided to keep having others bail us out of financial problems during this time, and thinks this is the "best" thing we as a state should be putting money too. I HIGHLY disagree. As a nurse, I am ashamed that people on welfare, get to sit home and rake in every benefit possible when some of them are my age, and decide that's the best "career path" when they are more than able to go out and have a job and work and sit on social media complaining about "how hard they have it". I am ashamed that Governor Mills, and Sara Gideon, have decided that instead of giving back to the people who have kept working and putting not only their LIVES at risk, but their families, and their loved ones, who WERE NOT able to stay home, and make more than most of their paychecks on unemployment to help buy people on welfare a vehicle when most of us essential workers have received absolutely nothing during this time, or any other time before this. All this is doing is showing these people on welfare that their lives are more valuable than the people who make that income for them by giving them more handouts, and more reason to not get out to work. "The vehicle would help with getting a job" there are plenty of transportation in most areas if that person wanted to work. Governor Mills, needs to start thinking about the WORKING class citizens who do not get handouts, and work their butts off and get told "you make too much for any help whatsoever" and the WORKING citizens who are BARELY scraping by even with a decent paying job, before we decide to give out any more handouts to people on welfare. It is an embarrassment to see that this is what our "governor" has decided to do during an "epidemic".

I have been refused any type of help. When I have tried, it was healthcare FOR MY DAUGHTER ONLY and was denied because I have worked for my life and have worked hard for my life. As a Mainer, buying a vehicle for people on welfare is just absurd and a complete mockery of the hard working Mainers. Start thinking of helping the nurses, and drs, and other medical staff, and essential workers during this time instead of thinking this is how your going to be re-elected.

Thank you for taking the time to read my email. Hopefully you'll take it into consideration, and start realizing that there are hard working Mainers who deserve to be treated better, and deserve a little slack once in a while, instead of the people who already have everything handed to them from the state because there are alot of us, that need to start thinking about them and instead of thinking about how much more of us, have to give that we havent already.

Sincerely,  
A true hardworking Mainer.

Sent from my U.S.Cellular© Smartphone

**Kreckel, Brendan D**

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**From:** Baer, Julian  
**Sent:** Thursday, August 20, 2020 6:27 PM  
**To:** Downs, Michael E  
**Subject:** FW: Welfare Cars

---

**From:** Mac Inmaine <rmcvey77@gmail.com>  
**Sent:** Thursday, August 20, 2020 10:53 AM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Welfare Cars

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Free phones, free health care, free food, free rent.....no wonder people don't want to get off their asses and get a job ....

Now free cars ??!!! So they can go to work ??!!! B.S., let them earn it instead of looking to the taxpayer to get by lijr the rest of us did.....

NO CARS FOR FREeloaders !!!!!

Who's going to buy the gas? Pay for insurance ? Repairs ?

No way !!!!!!!

## Kreckel, Brendan D

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**From:** Baer, Julian  
**Sent:** Thursday, August 20, 2020 6:26 PM  
**To:** Downs, Michael E  
**Subject:** FW: Car program

---

**From:** Ashley Griffin <ashleygriffin316@gmail.com>  
**Sent:** Thursday, August 20, 2020 10:55 AM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Car program

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The car program proposed by the Governor is absolutely appallingly. This is a rushed project in the middle of a global pandemic. There are so many other things the Governor should be caring about besides giving away cars. Most hard working families cannot afford a car that's from 2015 or newer but yet let's give them away to a select few. What a stab in the back to people that work so hard everyday to provide for their families. There aren't any programs that help families that are just above the "poverty" line that qualifies them for help and they are struggling to keep their heads above water. I'm deeply saddened by this and makes me wish that more people would speak out about all the money our Governor wants to give away.

Sincerely  
Ashley Griffin

## Kreckel, Brendan D

---

**From:** Baer, Julian  
**Sent:** Thursday, August 20, 2020 6:24 PM  
**To:** Downs, Michael E  
**Subject:** FW: Working cars for working families

-----Original Message-----

From: Missy Jordan <nova5263@yahoo.com>  
Sent: Thursday, August 20, 2020 11:10 AM  
To: Baer, Julian <Julian.Baer@maine.gov>  
Subject: Working cars for working families

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing to you today in extreme opposition of the Working Cars for Working Families program. Besides the fact that I'm against additional welfare in general, NOW IS NOT THE TIME for our state government to be spending additional money with a pandemic and giant budget shortfall looming.

I, myself am a state of Maine employee being asked to cut budgets for statutorily mandated and important programs because of the budget shortfall. This budget crisis will not only negatively impact the industries I serve, it could cost me my job. Please explain to me why I need to cut my budget and potentially my livelihood so you can enact and fund another welfare program??!!

I am also a small business owner who has been impacted negatively by COVID-19 but have yet to qualify for or apply for any funding programs.

I have owned many vehicles in my life- know how I bought them?? HARD WORK. Budgeting finances. Making sacrifices in other parts of my life to make sure I could get to work and better myself. I beg you please do not ignore the massive shortfalls already happening in our state budget to put vital funding towards a new welfare program.

Missy Jordan  




## Kreckel, Brendan D

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**From:** Baer, Julian  
**Sent:** Thursday, August 20, 2020 6:23 PM  
**To:** Downs, Michael E  
**Subject:** FW: Aspire Rule 25P

-----Original Message-----

From: Hope Ricker <hersec96@aol.com>  
Sent: Thursday, August 20, 2020 11:34 AM  
To: Baer, Julian <Julian.Baer@maine.gov>  
Subject: Aspire Rule 25P

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing in opposition of this program being put into place at a time when we are in a budget crisis already. I have always had to work for everything that I have as have the rest of my family and I am in opposition of giving more handouts to people that have not worked to earn it. Other state agencies are asked to make cuts at this time it is not an appropriate time to be funding a new program on the back's of the taxpayers of Maine. Definitely a bad time to put in a new program and ask for funding.

Hope Ricker

Sent from my iPhone

**Kreckel, Brendan D**

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**From:** Baer, Julian  
**Sent:** Thursday, August 20, 2020 5:49 PM  
**To:** Downs, Michael E  
**Subject:** FW:

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**From:** Sharon Nichols <sharonann7992@gmail.com>  
**Sent:** Thursday, August 20, 2020 11:50 AM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:**

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I oppose this new program.

**Kreckel, Brendan D**

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**From:** Baer, Julian  
**Sent:** Thursday, August 20, 2020 5:28 PM  
**To:** Downs, Michael E  
**Subject:** FW: Cars for welfare recipients

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**From:** [REDACTED]  
**Sent:** Thursday, August 20, 2020 1:03 PM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Cars for welfare recipients

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

To whom it may concern,

Although I understand the goal with this program I have to strongly disagree. As an addict in recovery and a former recipient of welfare I believe you are making a huge mistake. I am in total disagreement with this for several reasons. I understand today is the deadline to express such concerns and I would like to express mine. People who are given hand-outs versus hand-ups are rarely ever successful.

Thank you for your time and consideration

[REDACTED]

**Kreckel, Brendan D**

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**From:** Baer, Julian  
**Sent:** Thursday, August 20, 2020 5:14 PM  
**To:** Downs, Michael E  
**Subject:** FW: Free Cars

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**From:** Elizabeth Soisson <starcrossed.farm@gmail.com>  
**Sent:** Thursday, August 20, 2020 1:11 PM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Free Cars

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

This is absolutely insane and preposterous! I'm a Democrat but this may turn me Republican. Are you kidding me? Do not pass this!!

## Kreckel, Brendan D

---

**From:** Baer, Julian  
**Sent:** Thursday, August 20, 2020 5:12 PM  
**To:** Downs, Michael E  
**Subject:** FW: Welfare Vehicle Program

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**From:** Christopher Porter <christopherjporter90@gmail.com>  
**Sent:** Thursday, August 20, 2020 1:21 PM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Welfare Vehicle Program

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

So I just want to make sure I understand this correctly, recipients of welfare can pay a grand total of \$2,700 for a vehicle that is 2015 or newer with less than 70,000 miles and receive the title within 90 days after paying \$600. Correct? There isn't one single vehicle out there that is 2015 or newer with less than 70,000 miles on it that will be sold for \$2,700. So my questions here are, who is going to pay for the rest of what the vehicle is sold for after the \$2,700 is paid? How are we going to know at what price these vehicles were actually purchased for? At what point can the recipient sell the vehicle? Why are they giving the recipient the title without fully paying for the vehicle? What happens if they don't make the full payments? And why in the hell aren't the working people getting any kind of a break like this!? We have to go to a bank, qualify for a loan, pay interest, and pay the vehicle in full before we get the title! How is this being allowed to happen!? Why does this state encourage people to be unemployed?? Seems to me that might be the way to go for all the benefits you can receive living off the state. Thanks for reading and hopefully this does not go into effect because it is an absolutely terrible idea with even worse planning.

## Kreckel, Brendan D

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**From:** Baer, Julian  
**Sent:** Thursday, August 20, 2020 5:12 PM  
**To:** Downs, Michael E  
**Subject:** FW: Working cars for working families

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**From:** Sean Trahan <sean.trahan@gmail.com>  
**Sent:** Thursday, August 20, 2020 1:25 PM  
**To:** Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** Working cars for working families

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Just read the article in the Maine Examiner regarding this program. I certainly hope that someone stops this before it actually gets implemented. This is the most ridiculous spend of taxpayers money I have ever seen.

I have searched far and wide to find an opinion FOR this program if you have information on it so I can educate myself on why this is the right thing to do please send.

Thank you

--

**Sean Trahan**

*Life is like riding a bicycle. To keep your balance you must keep moving.  
`Albert Einstein*

**10-144**

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**OFFICE FOR FAMILY INDEPENDENCE**

**CHAPTER 607**

**ASPIRE-TANF PROGRAM RULES**

**Effective November 6, 2001**

**Last Amended: XXXXX, 2020**

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**Table of Contents**

<b>Section</b>		
<b>Number</b>	<b>Title</b>	<b>Pages</b>
<b>Section 1</b>	Definitions	1-1 thru 1-6
<b>Section 2</b>	Authorization; Philosophy; Goals and Objectives, Administration	2-1 thru 2-6
	I. Authorization	2-1
	II. Philosophy	2-1 thru 2-2
	III. Goals and Objectives	2-2
	IV. Administration	2-3 thru 2-6
<b>Section 3</b>	Participation; Participant Performance Requirements Participant Satisfactory Progress; Program Performance Requirements; Scheduling Appointments	3-1 thru 3-8
	I. Participation	3-1
	II. Participants Performance Requirements	3-1 thru 3-4
	III. Participants' Satisfactory Progress	3-4 thru 3-5
	IV. Program Performance Requirements	3-5 thru 3-8
	V. Scheduling Procedures	3-8
<b>Section 4</b>	Confidentiality, Participants' Rights and Responsibilities, Good Cause; Fair Hearings, Sanctions, Intentional Program; Violations, Overpayment Procedures	4-1 thru 4-10
	I. Confidentiality	4-1 thru 4-3
	II. Participants' Rights and Responsibilities	4-3
	III. Good Cause	4-4 thru 4-6
	IV. Fair Hearings	4-7
	V. Sanctionable Acts	4-8
	VI. Sanctioning Procedures	4-9 thru 4-10
	VII. Overpayment Procedures	4-10
	VIII. Intentional Program Violation	4-11
<b>Section 5</b>	Work Evaluation	5-1 thru 5-5
	I. General Provisions	5-1



<b>Section 6</b>	Case Management	6-1 thru 6-2
	I. General Provisions	6-1
	II. Functions	6-1 thru 6-2
<b>Section 7</b>	Family Contract Amendment (FCA)	7-1 thru 7-2
	I. General Provisions	7-1
	II. Procedures	7-2
<b>Section 8</b>	Pre-Training	8-1 thru 8-2
	I. General Provision	8-1
	II. Pre-Training Activities and Procedures	8-1 thru 8-2
<b>Section 9</b>	Field Training	9-1 thru 9-3
	I. General Provisions	9-1 thru 9-2
	II. Field Training Procedures	9-2 thru 9-3
<b>Section 10</b>	Education and Training	10-1 thru 10-3
	I. General Provisions	10-1
	II. Types of Education	10-1
	III. Procedures	10-2 thru 10-3
<b>Section 11</b>	Work Activity Services	11-1 thru 11-3
	I. General Provisions	11-1 thru 11-2
	II. MaineServe	11-2
	III. Transitional Employment for Maine Parents (TEMP)	11-3
	IV. Providing Child Care Services to Enable Another Participant to Participate in Community Service,	11-3
<b>Section 12</b>	Job Search Activities	12-1 thru 12-3
	I. General Provisions	12-1
	II. Types of Job Search Activities	12-2 thru 12-3
<b>Section 13</b>	Employment	13-1 thru 13-8
	I. General Provisions	13-1
	II. Types of Employment Services	13-1
	III. Procedures	13-2 thru 13-5

	IV. Displaced Employee Grievances	13-6 thru 13-8
<b>Section 14</b>	Support Services and Payment Provisions for Services	14-1 thru 14-9
	I. General Provisions	14-1
	II. Support Service Benefits, Payment Provisions and Procedures	14-2 thru 14-8
	III. Employment Support Services	14-8
	IV. Promptness of Payment of Support Services	14-8
<b>Section 15</b>	Reduction of ASPIRE-TANF Services when Funding is Inadequate	15-1 thru 15-2
	I. General Provisions	15-1
	II. Service Reduction Due to Funding Inadequacy	15-1 thru 15-2
<b>Section 16</b>	Parents as Scholars Program	16-1 thru 16-5
	I. Authorization	16-1
	II. Philosophy	16-1
	III. General Provisions	16-1 thru 16-4
	IV. Administration	16-4 thru 16-5
<b>Section 17</b>	TANF Time Limit Extensions	17-1 thru 17-9
	I. General Provisions	17-1
	II. Pre-Termination Notice and Conference	17-1 thru 17-3
	III. Temporary Hardship Extensions	17-3 thru 17-8
	IV. Temporary Hardship Extension Granted	17-8 thru 17-9
	V. End of A Temporary Hardship Extension	17-9
	VI. Right to Appeal	17-9
<b>Section 18</b>	Working Cars for Working Families	18-1 thru 18-13
	I. Authorization and Scope	18-1
	II. Administration	18-1 thru 18-2
	III. Eligibility Determination Process	18-2 thru 18-4
	IV. Basic Eligibility Criteria	18-4 thru 18-8
	V. Assessment	18-8 thru 18-9

---

VI. Participation and Continued Eligibility  
Requirements

18-9 thru 18-14

VII. Termination and Appeal

18-14 thru 18-15

<b>INDEX</b>			
<b>Subject</b>	<b>Section</b>	<b>Subsection</b>	<b>Pages</b>
<b>A.</b>			
Adult entertainment	4	IX	4-10
apprenticeship	13	II.B.	13-1
ASPIRE-Plus	13	II.A.	13-1,2,3,4
assessment	5		5-1 thru 5
auto liability insurance	14	II.D.	14-5
auto repairs	14	II.C.	14-4
auto purchase program	18		18-1 thru 18-13
<b>B.</b>			
books and supplies	14	II.H.	14-5
<b>C.</b>			
case management	6		6-1,2
child care	14	II.A.	14-1 thru 3
clothing and uniforms	14	II.I.	14-6
confidentiality	4	I.	4-1, 2, 3
<b>D.</b>			
definitions	1		1-1 thru 6
dental care	14	II.F.	14-5
displaced employee grievances	13	IV.	13-6 thru 8
<b>E.</b>			
education and training	10		10-1 thru 3
education, procedures	10	III.A.-J.	10-2, 3
education, training expenses	14	II.G.	14-5
education, types of	10	II.A.-D.	10-1, 2
employment	13		13-1 thru 8
extensions	17	I-VI	17-1 thru 17-9
<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>
eye care	14	II.D.	14-5
<b>F.</b>			
fair hearings	4	V.	4-6, 7

	family planning	8	E.2.a.	8-2
	Family Contract	2	IV.C.2.a.	2-5
		7	I.B., C.	7-1, 2
		7	II.A.-E.	7-2
		8	I.B.,C.,D.	8-1
		12	I.	12-1
		14	I.A.,B.,D.,F.	14-1 thru 14-9
		15	II.	15-1, 2
	fee-for-service agreements	14	II.L., M., N.	14-6, 7
	field training	9		9-1, 2, 3
	Fraud investigation and Recovery Unit (FIRU)	1		1-3
<b>G.</b>				
	Gambling facility	4	IX	4-10
	GED preparation and training	8	C.	8-2
	good cause	4	III.	4-4, 5
<b>H.</b>				
	high school diploma programs	8	B.	8-2
<b>I.</b>				
	Intentional Program Violation (IPV)	4	IX	4-10
<b>J.</b>				
	job readiness activities	8	E.	8-2
	job search	3		3-2, 4
		3		3-6, 7
		12		12-1, 2, 3
<b>K.</b>				
<b>L.</b>				
	life management skills	8	E.1.	8-2
	Liquor sales	4	IX	4-10
	<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>
<b>M.</b>				
	MaineServe	3	IV.A.3.	3-6
			IV.B.2.	3-6
		11	I.A.-O.	11-1,2
			II.A.-C.	11-3
	Matriculation	16		16-1

<b>N.</b>			
non-traditional employment	13	II.D. III.D.	13-2 13-6
<b>O.</b>			
occupational expenses	14	II.J.	14-6
on-the-job training (OJT/ASPIRE-Plus)	13	II.A. III.	13-1 13-2, 3,4
orientation	2 3 5 7		2-5, 6 3-8 5-1 7-2
Overpayment Procedures	4	VIII.	4-9, 10
<b>P.</b>			
parenting education	8	E.2.C.	8-2
Parents as Scholars	16		16-1 thru 5
participant's performance requirements:			
Single Parent Household	3	II.A.	3-1, 2
Two Parent Household	3	II.B.	3-3, 4
Teen Parents	3	II.B.	3-2
participants' rights and responsibilities	4	II.	4-3, 4
participants' satisfactory progress	3	III.A.,B.	3-4, 5
participation	3	I.A.	3-1
payment of support services	14	IV.	14-8, 9

<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>
period of enrollment	2	IV.C.3.c.	2-6
	14	I.F.	14-1
	14	II.D.	14-4
	14	II.F.	14-5
	14	II.J.,K.	14-7
pre-training program:	8		8-1, 2
administration	2	IV.	2-3 thru 5
authorization	2	I.	2-2
goals and objectives	2	III.	2-3
performance requirements - single parent family	3	IV.	3-5, 6
performance requirements - two parent family	3	IV.	3-6, 7
<b>Q.</b>			
<b>R.</b>			
relocation costs	14	II.K.	14-6
remedial education	8	D.	8-2
responsibilities of:			
ASPIRE-TANF staff	2	IV.C.3.	2-5
OFI eligibility staff	2	IV.C.2.	2-4, 5
return of purchased goods	14	II.M.	14-7
<b>S.</b>			
sanctionable acts	4	VI.	4-8, 9
scheduling procedures	3	VI.	3-7, 3-8
self-employment	13		13-2
	13		13-4, 5
service delivery areas	15		15-1, 2
service reduction	15		15-1, 2
suitable employment	13	III.E.	13-5, 6
support services	14		14-1 thru 9

	<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>
<b>T.</b>	Transitional Employment for Maine Parents (TEMP)	11	I., III.	11-1, 2, 3
	transportation	14	II.B.	14-3, 4
	two parent family	3	II.C.	3-3, 4
<b>U.</b>				
<b>V.</b>				
<b>W.</b>	work activities	1 3	IV.	1-5 3-5 thru 7
	work activity services	11	11-1, 2, 3	
	work evaluation	2 5 13	IV.C.3.b. I.A.	2-5 5-1 thru 5 13-1
	work experience	3	IV.	3-5 thru 7
	work readiness activities	8	II.E.2.	8-2
	Working Cars for Working Families	18		18-1 thru 18-13
<b>X.</b>				
<b>Y.</b>				
<b>Z.</b>				



**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 1: DEFINITIONS AND DESCRIPTIONS**

**I. Summary:** This section describes organizational units, programs, acronyms and significant terms pertaining to the ASPIRE-TANF program.

**II. DEFINITIONS**

Organizational units, programs, and their acronyms, and other significant terms pertaining to ASPIRE-TANF are defined below:

- A. Alternative Aid** — A voucher program which provides assistance to individuals who seek short-term assistance to obtain and/or retain employment pursuant to 22 M.R.S. § 3763(8). The intent of Alternative Aid is to assist families to remain self-supporting by providing vouchers to eligible families' worth to three months of TANF benefits.
- B. Alternative Education** — An educational program that embraces subject matter or teaching methodology that is not generally offered to students of the same age or grade level in traditional school settings.
- C. ASPIRE-Plus** — ASPIRE-Plus is an On-the-Job training program that provides an employer subsidy for up to 26 weeks, depending on the length of training time needed, of up to 50 percent of the hourly wage paid by the employer.
- D. ASPIRE-TANF** — "ASPIRE-TANF" stands for Additional Support for People in Retraining and Employment - Temporary Assistance for Needy Families. ASPIRE is the welfare employment and training program created by the Governor and the Maine Legislature in July 1988, to provide case management, education, training, support and employment services to help TANF recipients to find or create jobs in the local labor market.
- E. ASPIRE-TANF Unit** — A unit within the Department of Health and Human Services, Office for Family Independence, or an agent or contractor thereof, which provides ASPIRE-TANF services to TANF participants. These services include but are not limited to Assessment, prevocational activities, support services, Good Cause determination, case management and employment services.
- F. Assessment** — An individualized process designed to integrate the array of ASPIRE-TANF services with the educational and vocational needs, interests and abilities of each participant.
- G. Basic Literacy Level** — The capability to read and write at a level equivalent to an 8th or 9th grade level as demonstrated either by an educational achievement test; maintaining a grade point average of at least 2.0 at a post-secondary institution; or having passed the reading portion of a high school equivalency test.
- H. Case Management** — The process of identifying the needs of the participant and the participant's family, coordinating services appropriate to meet those needs, and monitoring the participant's progress through ASPIRE-TANF so the participant can gain the skills and support to obtain employment.

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- I. Child care, affordable\*** — Affordable child care arrangements are those for which the participant incurs no cost or is reimbursed by another program such as ASPIRE or through a deduction for child care from income by the TANF program or by any combination of these methods.
- J. Child care, appropriate\*** — Appropriate child care is affordable child care furnished by a child care provider, of the participant's choice, who has passed background checks as required by 22 M.R.S. §§ 8301-A and 8302-A.
- K. Child care, reasonable distance\*** — Reasonable distance means that the ASPIRE participant is required to commute no more than 15 additional miles between home and work activity in order to transport the child to the child care provider.
- L. Child care, unsuitability of informal care†** — Unsuitable child care is that provided by an individual who cannot pass a required background check or is unaffordable or would require the ASPIRE participant to travel an unreasonable distance.
- M. Component** — Education, training and employment activities approved by ASPIRE-TANF including — pre-training; educational activities through post-secondary level; job skills training; job readiness activities; group and individual job search; on-the-job training; and community work experience.
- N. Department of Health and Human Services (Department or DHHS)** — The agency authorized by Federal statutes to administer the ASPIRE-TANF program and other programs within the Office for Family Independence as well as its agents and contracted providers.
- O. Education** — Activities including remedial-education, high school or equivalency, and post-secondary certificate programs designed to prepare the participant for employment.
- P. Exempt from the Time Limit** — A month or months that do not count against a participant's 60-month time limit.
- Q. Exempt from Work Participation** — A TANF recipient who is not required to participate in ASPIRE-TANF in accordance with Federal or State regulations.
- R. Extension** — A one to six-month time period during which TANF benefits may be received, based on hardship, approved by the Department. An extension allows a household to receive benefits past its 60-month time limit, when the recipient is complying with program rules and meets all other TANF eligibility requirements.

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\* these definitions apply only to single parents with a child under age 6.

† these definitions apply only to single parents with a child under age 6.

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- S. Fair Hearing (also known as an Administrative Hearing)** — A hearing conducted before a Department of Health and Human Services hearings officer in which a participant has an opportunity to dispute a decision made by the Department. The hearings officer's decision is binding on all parties involved in the particular case.
- T. Family Contract** — A form signed by a representative of the Department and each TANF caretaker relative that states the responsibilities of the parties to the agreement, including but not limited to cooperation in child support enforcement and determination of paternity, and the requirements of program participation. The contract may also include referral to parenting activities and health care services where the need for such services has been established.
- U. Family Contract Amendment (FCA)** — The binding agreement ASPIRE participants enter into with the Department, ASPIRE Unit, pursuant to 22 M.R.S. § 3788 (4-A). In these agreements, specific action steps are listed that both the Department and the participant agree to perform. ASPIRE support services to be provided are listed in the FCA.
- V. Federal Department of Health and Human Services, Administration for Children and Families, Office of Family Assistance (HHS/ACF/OFA)** -- The federal agency that administers and regulates the TANF Program and other programs of the Department of Health and Human Services, Office for Family Independence, and provides block grant funds for these programs.
- W. Field Training** — A non-wage, time limited, training placement with a public, private non-profit or profit employer which enables the participant to explore a preliminary career decision, gain experience in the work world and/or improve specific job skills.
- X. Fraud, Investigation and Recovery Unit (FIRU)** — the unit in the Department responsible for investigating allegations of misuse, fraud, and over-payments. The unit also is responsible for seeking repayment when appropriate or referring the matter to the Attorney General's office for prosecution.
- Y. Food Supplement Employment and Training (FSET)** — The employment and training program administered under 10-144 C.M.R. Ch. 609, that provides case management, education, training, supports and employment services to help Food Supplement recipients find and keep jobs.
- Z. Gainful Employment** — Activities that a person can perform which are intended to provide an income and which are a source of consistent revenue for the worker, such as a steady job.
- AA. Good Cause** — Acceptable reasons, as determined by the Department of Health and Human Services, for a participant's failing or refusing to participate in ASPIRE-TANF or in a particular ASPIRE-TANF component.

(XXX , 2020)

1-4

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- BB. Higher Opportunity for Pathways to Employment (HOPE)** — The program administered under 22 M.R.S. § 3790-A, and 10-144 C.M.R. chapter 330, that provides support services such as child care and transportation and voluntary student navigation services to help low income students who are parents of minor children.
- CC. Intentional Program Violation (IPV)** — An IPV occurs when an individual has purposely misused “cash benefits” or other benefits, and/or misrepresented actual circumstances in order to receive benefits, and the individual would not have been eligible had the proper information been available at the time of application, redetermination of eligibility, or within ten days of the change in circumstances. An IPV will result in a referral to the Fraud, Investigation and Recovery Unit (FIRU) for further review and recovery.
- DD. Job Club** — A structured and supervised job search group which assists participants in their efforts to obtain and retain employment.
- EE. Job Development/Placement** — Specific actions by ASPIRE-TANF or a service provider in identifying subsidized and unsubsidized jobs, marketing participants based on their career goals for those jobs and securing job interviews for participants.
- FF. Job Readiness** — Pre-training activities focusing on life management skills, work maturity skills, work place expectations and work behavior and attitudes necessary to succeed in the labor market.
- GG. Job Search** — Counseling and pre-employment training on job-seeking skills either individually or in groups. The group "Job Club" is the preferred job search activity.
- HH. Job Skills Training** — Vocational training focusing on the required skills, knowledge and abilities of a specific occupation or business.
- II. MaineServe** — A community service program designed to provide parents who are eligible for TANF opportunities to serve their communities and the State in a manner that assists them in developing and renewing their skills in ways that may lead to employment that is sufficient to sustain their families.
- JJ. Matriculation** — For the Parents as Scholars Program, matriculation is defined as acceptance and enrollment into any two-year or four-year academic program in an institution of post-secondary education.
- KK. Net Loss of Cash income** — Net loss of cash income results if the family’s gross income, less necessary work-related expenses, is less than the TANF benefit and any other cash assistance the participant was receiving at the time the offer of employment is made.
- LL. Non-Compliance** — Failure of a mandatory ASPIRE recipient to sign or abide by the terms of the Family Contract Amendment without Good Cause, which will result in termination of benefits to the individual for the lesser of ninety (90) days or until the failure to comply ceases.

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- MM. Office for Family Independence (OFI)** — The organizational unit with the Department of Health and Human Services which administers the ASPIRE-TANF program. OFI also administers the following services: TANF, Food Supplement Benefits (SNAP), General Assistance, MaineCare, HOPE, Support Enforcement and Recovery, and Emergency Assistance.
- NN. On-the-Job Training (OJT)** — A means by which a participant is hired and trained in a specific occupation by a private or public employer who receives a partial reimbursement of wages paid for providing skills and training necessary to perform the job (See ASPIRE-Plus).
- OO. Order of Reference** — A document in which the Department’s Commissioner gives specific instructions to the Office of Administrative Hearings regarding the issues to be addressed at hearing and the handling of a hearing request. These instructions may include, but are not limited to, an instruction that the Hearing Office issue recommended findings and a recommended decision with the authority to make the final findings and decision reserved to the Commissioner.
- PP. Parents as Scholars Program (PaS)** — A student aid program based on need for up to 2,000 participants, to aid needy students who have dependent children and who are matriculating in post-secondary undergraduate 2-year and 4-year degree-granting education programs.
- QQ. Participant** — A TANF recipient who is involved in ASPIRE-TANF activities or any individual receiving supports under one or more of the programs detailed in this Chapter.
- RR. Period of Enrollment** — The time frame from the opening of activity with the ASPIRE-TANF program, until participation with ASPIRE-TANF is ended.
- SS. Pre-Training** — Activities designed to prepare the participant for occupational skills training, post-secondary education and employment. Such activities include secondary education programs, job readiness activities, employment counseling, field training, self-employment evaluation, and referral to services to improve life-management skills.
- TT. Sanctions** — Actions taken by the Department of Health and Human Services as a result of a participant's failing or refusing to participate in ASPIRE-TANF without Good Cause. These actions generally cause a reduction in TANF and Food Supplement benefits for a specified time period for participants who are not exempt, and a loss of services for a specified time for voluntary participants.
- UU. Satisfactory Progress** — The requirement that a participant meet standards of performance imposed by an educational or training institution and by ASPIRE-TANF while participating in an education or training activity.
- VV. Support Services** — Services such as child care, transportation, eye and dental care, which enable the participant to complete the Family Contract Amendment and take employment.
- WW. TANF Recipient** — An individual whose family’s financial needs are met in part with TANF payments in accordance with the Maine Public Assistance Manual.

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- XX. TANF Single Parent Family** — A TANF family which receives benefits under the program authorized in the Federal Social Security Act, as amended by the *Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996*, and the *Deficit Reduction Act (DRA) of 2005*, whose children are deprived of parental support or care by reasons other than the underemployment of the parent who is the principal wage earner, or the incapacity of a parent.
- YY. TANF Two Parent Family** — A TANF family which receives benefits under the program authorized in the Federal Social Security Act, as amended by the *Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996*, and the *Deficit Reduction Act (DRA) of 2005*, whose children are deprived of parental support or care either by reason of the underemployment of the parent who is the principal wage earner, or by reason of incapacity of a parent.
- ZZ. Time Limit** — The limit of 60 months during which a family may receive TANF assistance in the absence of the family qualifying for a time limit exemption or extension.
- AAA. Training and Work Site Agreement** — An agreement which is included as part of the Family Contract Amendment and which stipulates specific performance requirements for a participant enrolled in education, training and/or work experience.
- BBB. Transitional Employment for Maine Parents (TEMP)** — a volunteer work experience position.
- CCC. UP** — Unemployed Parent refers to the cases where TANF eligibility is based on the unemployment or under-employment of one of the parents in the household.
- DDD. Up-front Job Search** — Newly-granted TANF recipients who are considered job-ready, and who are eligible for TANF based on unemployment of the primary wage earner or single parent recipients whose children are 5 years of age or older, may participate in individual or group job search activities during the work evaluation phase of involvement with ASPIRE-TANF.
- EEE. Voluntary Participant** — A TANF recipient who is not required to participate, by Federal or State regulations but chooses to enroll in ASPIRE-TANF.
- FFF. Work Activities** — Work activities are those activities that are allowable under PRWORA (Sec. 407, (d)), and are listed in this manual in Section 3 (IV)(A)(3) and (IV)(B)(2).
- GGG. Work Eligible Individual (WEI)** — An adult, or a minor child, who is a head of household, receiving assistance under TANF or a separate State program, who is not otherwise exempted from meeting a work requirement.
- HHH. Work Evaluation** — Consists of all activities related to Assessment, employability plan development and initial amendment to the Family Contract Amendment. Work evaluation is limited to a maximum of 90 days, unless extended by the Commissioner (or the designee of the Commissioner).

(XXX , 2020)

1-7

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- III. Work Experience** — This is a generic term used to describe a variety of experiential activities (such as TEMP, On-the-Job Training, Community Service, etc.) that lead to, or include, employment.
- JJJ. Work Readiness Activities** — These activities include job shadowing, job coaching, mentoring, situational assessment, and any other activity that will encourage obtaining or retaining employment.
- KKK. Working Cars for Working Families** — Transportation assistance program initiated by 22 M.R.S. § 3769-F, which assists participants in obtaining and maintaining sustainable employment by providing them with access to reliable, affordable transportation. This program is designed to be an employment support and to comply with applicable federal TANF regulations.

**END OF SECTION**

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 2: AUTHORIZATION, PHILOSOPHY, GOALS AND OBJECTIVES,  
ADMINISTRATION**

**Summary:** This Section cites authorizing statutes; presents the philosophy, goals and objectives; and describes the roles and responsibilities of administrative units of the ASPIRE-TANF Program.

**I. AUTHORIZATION**

The Department is authorized to operate the ASPIRE-TANF Program by the Federal Social Security Act, Titles IV-A and IV-F, as amended by the *Personal Responsibility and Work Opportunity Reconciliation Act of 1996* (PRWORA) and the *Deficit Reduction Act of 2005* (DRA); and by Maine Law (22 M.R.S. §3782-A *et seq.*).

**II. PHILOSOPHY**

- A. Employment to reduce welfare dependency is the central theme around which the Program operates, according to the Social Security Act as amended by the *Personal Responsibility and Work Opportunity Reconciliation Act* and the *Deficit Reduction Act*. ASPIRE-TANF coordinates a delivery structure which maximizes resources of the Department of Health and Human Services and other community resources. Consistent with the concept of reducing welfare dependency, the ASPIRE-TANF program recognizes the following principles as its operating philosophy:
1. TANF is a temporary income program to provide support while the individual moves towards employment.
  2. ASPIRE-TANF is an employment and training program, the services of which are intended to help participants reduce or avoid welfare dependency.
  3. ASPIRE-TANF assumes that all participants seek economic self-support; accordingly, the program will provide employment and training and related services to help participants move toward this goal.
  4. Expenditures made on behalf of participants represent society's investment in their human potential and accordingly, ASPIRE-TANF seeks to reduce welfare dependency, as a benefit to both participants and society.
  5. As a program concerned with the development of individual participants, ASPIRE-TANF recognizes the differing vocational needs, interests, and abilities of its participants. ASPIRE-TANF will plan with each participant to best meet those needs and to overcome barriers to employment.

**(II. A. PHILOSOPHY CONTINUES ON THE NEXT PAGE)**



**(II. A. PHILOSOPHY CONTINUED)**

6. ASPIRE-TANF will provide training, education and support services to its participants with the expectation that those participants will be placed in employment which will not result in a net loss of cash income, and with the greater expectation that most participants will obtain employment which will lead to benefits, wages and career ladders that will enable them to support their families.

**III. GOALS AND OBJECTIVES**

- A. The goals of the ASPIRE-TANF Program are set forth in *Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA)* and the *Deficit Reduction Act of 2005 (DRA)* and Maine law (22 M.R.S. §3782-A *et seq.*) as follows:
  1. Among the goals of the PRWORA is to, “provide assistance to needy families so that children may be cared for in their own homes or in homes of relatives; [and] end the dependence of needy parents on government benefits by promoting job preparation, work and marriage.”
  2. The goal of ASPIRE-TANF as stated in Maine law is " . . . to provide services and support to recipients of Temporary Assistance to Needy Families and to reduce dependence on public assistance to the extent that adequate funding is available for that purpose.” The principal goal is to focus on helping people obtain and retain employment that sustains their family.
- B. The objectives of ASPIRE-TANF are:
  1. To assure that TANF families obtain the services that will help them reduce or avoid welfare dependence and increase their quality of life;
  2. To encourage, assist, and require recipients of TANF to fulfill their responsibilities to support their children;
  3. To provide TANF recipients with the opportunity to acquire the education and skills necessary to qualify for employment;
  4. To provide necessary support services so that TANF recipients can participate in ASPIRE-TANF and become employed;
  5. To promote coordination of services at all levels of government, to increase accessibility to those services for participants, and maximize the use of existing resources;
  6. To emphasize accountability of both participants and services providers; and
  7. To meet performance standards as established by federal and state ASPIRE-TANF legislation.

**(IV. ADMINISTRATION NEXT PAGE)**

**IV. ADMINISTRATION**

- A. The ASPIRE-TANF Program is administered by the Department of Health and Human Services which has responsibility for program direction and oversight. OFI, through its regional offices and through contracts and agreements with community agencies, provides services to TANF recipients to help them obtain employment leading to a reduction in welfare dependency.
- B. In accordance with Federal and State authorizing legislation, OFI, as administrator of ASPIRE-TANF, makes the following assurances. OFI will:
1. Have in operation both a work program and a support services program which have been approved by the Secretary of the Department of Health and Human Services (HHS) and that meet all the requirements of the Social Security Act, PRWORA, DRA and Maine law.
  2. Ensure that the ASPIRE-TANF Program will meet all statutory and regulatory requirements.
  3. To the extent that resources permit, require non-exempt TANF recipients and allow volunteers to participate. The Department shall provide child care in accordance with federal and state law when the child care is necessary to permit a TANF-eligible family member to participate in the ASPIRE-TANF program.
  4. Ensure that participants are not discriminated against on the basis of race, sex, national origin, religion, age, or disabling condition under the ASPIRE-TANF Program.
  5. Ensure that participants will be assigned to ASPIRE-TANF Program activities in accordance with the provisions of the *Social Security Act* as amended by the PRWORA of 1996, the DRA of 2005 and Maine law (22 M.R.S. §3782-A *et seq.*)
  6. Ensure that benefits and services provided under the *Social Security Act* as amended by the PRWORA of 1996, DRA of 2005 will be delivered in an integrated fashion.
  7. Ensure that services funded or provided under ASPIRE-TANF are not otherwise available, of equal quality, on a non-reimbursable basis.
  8. Ensure that all recipients of TANF are encouraged, assisted and required to fulfill their responsibilities to support their children by preparing for, accepting, and retaining employment.
  9. Ensure that State and local funds expended for ASPIRE-TANF services shall be maintained at the level required by maintenance of effort provisions of the *Social Security Act* as amended by the PRWORA of 1996, and the DRA of 2005.

***(IV. B. ADMINISTRATION CONTINUES ON NEXT PAGE)***

***(IV. B. ADMINISTRATION CONTINUED)***

10. Ensure that Federal and State funds made available to OFI for the ASPIRE-TANF Program shall not be used to supplant non-Federal funds or any other funds which would otherwise be available for existing services and activities.
11. Ensure that all participants with disabilities have the right to request and receive, subject to adequate Federal and State funding, a reasonable accommodation in order to receive substantially the same program benefits as persons without disabilities.

In accordance with the *Americans with Disabilities Act (ADA)*, no qualified individual with a disability will, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of the Maine Department of Health and Human Services (DHHS), or be subjected to discrimination by DHHS.

C. The responsibilities delegated to the Office for Family Independence are:

1. Overall program administration including: establishing optional provisions and components of the program; program planning and design; determination of who should participate; establishment of participation requirements; development of definitions of Good Cause for failing to participate; and the issuance of policies, rules and regulations governing the program.
2. Taking certain actions regarding individuals including: determination of exemption status; providing case management services; monitoring for compliance of work participation requirements; determination of Good Cause for failure to participate; determination and application of sanctions; determination of extensions or exemptions from the 60-month time limit; providing notice of case actions, and fair hearings. (The conducting of fair hearings is delegated to the Department of Health and Human Services, Administrative Hearings Unit.)
3. Determining eligibility for TANF or PaS and issuance of monthly cash assistance benefits.
4. Having all TANF applicants sign a Family Contract, countersigned by OFI staff.
5. Determining whether TANF recipients are exempt from participation in ASPIRE-TANF.

***(IV.C. ADMINISTRATION CONTINUES ON NEXT PAGE)***

***(IV.C. ADMINISTRATION CONTINUED)***

6. Determining Good Cause related to eligibility issues, applying sanctions and sending notice of sanction actions.
7. Administering transitional child care, transitional transportation, MaineCare, Transitional Food Assistance, and TANF Working Families Supplement .
8. Representing OFI at Administrative Hearings related to eligibility and ASPIRE issues.
9. Determining the months that will count toward the 60-month time limit on benefits. Notifying individuals of their month count annually and providing notice to recipients 120 days prior to the end of their 60<sup>th</sup> month of TANF receipt that their time limit is imminent. This notice will include an explanation of time limit exemptions and extensions.
10. Providing comprehensive orientation to ASPIRE-TANF participants, either individually or in groups, regarding ASPIRE-TANF, participant rights and responsibilities and other pertinent information.
11. Conducting a work evaluation with each participant. This work evaluation consists of all activities related to Assessment and completion of amendments to the Family Contract Amendment.
12. Acting as case managers throughout the ASPIRE-TANF participant's period of enrollment. Case management includes counseling the participant regarding life-coping skills, brokering of support services, advocating for the participant and monitoring, evaluating and documenting the participant's progress in order to assist the participant to obtain the skills and support needed to become employed.
13. Providing on-going Assessment, and determining whether educational achievement, aptitude, skill or other testing is needed.
14. Providing direct services, such as pre-training activities (group exercises to enhance self-esteem, self-awareness and develop goals), support services (child care, transportation, etc.), and making referrals to agencies providing services.
15. Determining Good Cause for failing to participate.

***(IV.C. ADMINISTRATION CONTINUES ON NEXT PAGE)***

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(February 6, 2017)

2-6

Policy #23A

***(IV.C. ADMINISTRATION CONTINUED)***

17. Reviewing, approving and imposing sanctions and sending notice of other participant status changes to the OFI eligibility unit.
18. Developing resources to increase the amount, accessibility and quality of services for participants.

**END OF SECTION**

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 3: PARTICIPATION, PARTICIPANT PERFORMANCE REQUIREMENTS,  
PARTICIPANT SATISFACTORY PROGRESS, PROGRAM PERFORMANCE  
REQUIREMENTS, SCHEDULING APPOINTMENTS**

**Summary:** This Section contains the federal and state requirements for participation in ASPIRE-TANF, and satisfactory progress determinants. This Section includes appointment scheduling procedures.

**I. PARTICIPATION**

- A. The ASPIRE-TANF Program is a program for TANF recipients designed to provide participants with the necessary educational skills and training leading to employment. Title IV, Part A of the Social Security Act, as amended in 1996 by the *Personal Responsibility Work Opportunity Reconciliation Act (PRWORA)* and in 2005 by *The Deficit Reduction Act (DRA)* requires, where resources permit that TANF recipients, who are determined to be Work Eligible Individuals participate in an education, training or employment program. Work Eligible Individual means an adult, or a minor child who is a head of household, receiving assistance under TANF or a separate State program, who is not otherwise exempted from participation requirements. Recipients may be exempted from participation when permitted under State law in accordance with the Maine Public Assistance Payments Manual by the Office for Family Independence.
- B. The OFI Eligibility Unit is responsible for determining whether a TANF recipient is exempt from participation. TANF recipients who are otherwise exempt may volunteer to participate in the ASPIRE-TANF Program. The OFI Eligibility Unit is, therefore, responsible for assuring that both mandatory and volunteer participants are appropriately referred to the ASPIRE-TANF Unit.

**II. PARTICIPANTS PERFORMANCE REQUIREMENTS**

**A. All ASPIRE-TANF Households**

1. In order to meet federal work requirements, all TANF Work Eligible Individuals are required to participate in the ASPIRE-TANF program when funding is available, unless exempted from participation by the TANF eligibility worker for one of the following reasons:
  - a. An applicant or recipient who is the only custodial parent or caretaker relative of a child under one year of age and is personally providing care for that child, except that this exemption may be claimed for no more than a total of twelve (12) months per custodial parent or caretaker relative in a lifetime. An applicant or recipient may elect not to claim the exemption and if the recipient does not elect this exemption, he or she must participate in ASPIRE-TANF and comply with the requirements of the program.
    1. Parents and caretaker relatives under twenty (20) years of age who have not completed high school or its equivalent may not claim this exemption, and they must attend courses to complete high school, with an emphasis on education in a traditional high school setting.
  - b. A recipient who is a child in the assistance unit;

- c. An applicant or recipient who is a VISTA volunteer under the federal *Domestic Volunteer Service Act of 1973*;
  - d. An applicant or recipient parent or caretaker relative who is needed in the home to care for a disabled family member living in the household, provided that the disabled family member is not a full-time student. The need for the TANF-PaS recipient to care for the disabled family member must be verified at least every six months through statements by an acceptable medical or mental health source.
  - e. An applicant or recipient parent or specified relative who receives Social Security Disability Insurance (SSDI) benefits;
  - f. An applicant or recipient parent or specified relative who receives Supplemental Security Income (SSI).
2. TANF individuals may be exempted from participation in accordance with TANF Chapter II, Maine Public Assistance Manual, 10-144 C.M.R., Chapter 331, by the Office for Family Independence, in addition to the reasons set forth above.
  3. Component activities may be combined to reach the number of hours of program participation required by ASPIRE-TANF.
  4. Education, training and treatment is limited to a maximum of 24 consecutive months starting with the first day of participation in ASPIRE-TANF in any allowable and approved job skills or occupational skills training activity. The 24-month period may be extended by the Commissioner or the designee of the Commissioner for Good Cause shown. The participant must make all reasonable efforts to complete the education or training program within the normal time frames prescribed by the institution for completion.

**EXCEPTION:** Maximum of 24 consecutive months does not apply to the Parents as Scholars Program, described in Section 16.

However, ASPIRE-TANF recognizes that there are often circumstances such as a necessary change in program, family or personal problems, inability to carry a full course load and other factors which may prohibit timely completion. Therefore, if there is Good Cause ASPIRE-TANF will permit participants 1.5 times the normally expected time period for completion of the education or training program, up to the 24-month time limit. Extensions beyond the 24 month period require the approval of the Commissioner of DHHS, or the designee of the Commissioner.

5. The Department may approve a job skills or occupational training activity longer than 24 months provided the participant agrees to perform a minimum of thirty (30) hours a week of work site experience by no later than the end of the 24-month period. (NOTE: See section 16 for requirements for the PaS Program.) Qualifying work site experience may include, but is not limited to, unsubsidized employment, subsidized employment, Field Training, On-The-Job Training, Community Service activities, work study, training-related practicums or any other such work site approved by the Department. The 24-month period does not include periods of non-activity in which Good Cause has been determined.

6. The number of hours that a household can be required to participate in work experience and community service activities is determined by dividing the household's TANF and Food Supplement benefits by the state or federal minimum wage, whichever is higher, as described in Section 11. If the total is less than the minimum number of hours required by federal and/or state law, the difference will be made-up involving the participant in non-work activities, such as skills training or remedial education.

**B. ASPIRE-TANF One Parent Households**

1. Single parents receiving TANF who are considered job-ready, and whose children are 5 years of age or older, must participate in individual or group job search, depending on their needs and the resources of the local ASPIRE-TANF offices.
2. A participant who is the single custodial parent or caretaker relative of a child under age 6 will meet work requirements if she or he participates in work activities for at least an average of twenty (20) hours per week.
3. ASPIRE-TANF participants who are Work Eligible Individuals in one parent households will be required to participate in a countable work activity for a minimum of thirty (30) hours per week, unless Good Cause (Section 4, subsection III) has been granted by the program for fewer hours of participation or non-participation, or the ASPIRE Specialist determines that one or more of the following three activities are appropriate for some or all of the hours beyond twenty (20): job skills training directly related to employment; education directly related to employment; and satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence.

**C. Teen Parents**

1. ASPIRE-TANF Teen Parents (under age 20) have additional performance requirements under this section, subsection II (1)(a). These are:
  - a. A custodial parent under 20 years of age who is a recipient of TANF and has not completed high school or its equivalent must participate in the ASPIRE-TANF Program regardless of the age of the youngest child and attend courses to complete high school, with an emphasis on education in a traditional high school setting.

**D. ASPIRE-TANF Two Parent Households**

1. TANF two parent family members who are job ready must participate in individual or group job search depending on their needs and the resources of the local ASPIRE-TANF office.
2. Participation requirements for two parent families are regulated by State and Federal law.

State law requires each parent to participate in work activities in accordance with the Title IV, Part A of the *Social Security Act* as amended in 1996 by PROWRA and in 2005 by the DRA.

***(II.D.2. EXCEPTION ASPIRE-TANF TWO PARENT HOUSEHOLDS CONTINUES NEXT PAGE)***



***(II.D.2. ASPIRE-TANF TWO PARENT HOUSEHOLDS CONTINUED)***

**Exception:** in two parent families where eligibility is based on the incapacity of one of the parents, the family will be subject to the work participation requirements under II. A of this Section, excluding numbers 1. a. and 5 in that Section, as those only apply to households where there is only one parent present.

Federal law requires parents in families in which federal funds are being used to pay for child care to participate in work activities as described in IV(B)(2)(a) of this Section for a total of 50 hours per week, and also participate in the activities as described in IV(B)(2)(b) of this Section for an additional 5 hours per week.

If Federal funds are not being used to pay for the cost of child care, Federal law requires one or both parents to participate in the work activities as described in IV(B)(2)(a) of this Section for a total of 30 hours per week, and also participate in the activities as described in IV(B)(2)(b) of this Section for an additional 5 hours per week.

Parents in a two parent family, who are under the age of 20 and have not completed high school or successfully completed an equivalent course, will be given the choice of participating in an educational activity directed toward attainment of a high school diploma or its equivalent, in lieu of, or in combination with the work component activity.

**III. PARTICIPANTS' SATISFACTORY PROGRESS**

- A. Participants who enroll in any ASPIRE-TANF activity, (other than ASPIRE-PLUS (OJT) where employer expectations shall apply) must adhere to satisfactory progress requirements. These requirements will be listed on a Training or Work Site Agreement which is considered to be part of the Family Contract Amendment. The requirements include the following:
1. Participating as required by the activity and/or attending classes as scheduled.
  2. Reporting to ASPIRE-TANF any situation or circumstance which might affect continued participation in the activity.
  3. When applicable, making satisfactory progress in a secondary educational program as defined by the institution or program the participant is attending, which means meeting on a periodic basis of at least once a year a consistent standard based on written policy developed by the institution or program, and approved by the Maine Department of Education and ASPIRE-TANF.

***(III.A. PARTICIPANTS' SATISFACTORY PROGRESS CONTINUES ON NEXT PAGE)***

***(III.A. PARTICIPANTS' SATISFACTORY PROGRESS CONTINUED)***

4. For participants attending post-secondary programs, including the Parents as Scholars program, satisfactory progress will include, at a minimum, the participant maintaining a 2.0 grade point average (or its equivalent).
    - a. If a participant's semester (or its equivalent) or overall grade point average falls below 2.0, a maximum of one probationary semester (or its equivalent) will be permitted to allow the participant the opportunity to meet the 2.0 grade point average.
    - b. Providing ASPIRE-TANF/PaS with a copy of each class schedule, as it becomes available.
    - c. Providing ASPIRE-TANF/PaS a copy of the student financial aid award letter, as it becomes available.
    - d. Providing ASPIRE-TANF/PaS with copies of progress reports, such as grades, as they become available.
  5. Providing ASPIRE-TANF/PaS with verification of hours of attendance.
  6. If additional satisfactory progress standards are required by the institution, program, training or work site, or by ASPIRE-TANF/PaS, then these will be incorporated into the participant's written Family Contract Amendment. See Section 7, "Family Contract Amendment," for further information.
- B. Failure of the participant to meet satisfactory progress requirements will result in the withdrawal of support for the activity and application of sanctions unless there is Good Cause for failing to meet the requirements.

**IV. PROGRAM PERFORMANCE REQUIREMENTS**

- A. Mandatory ASPIRE-TANF program performance for all TANF families.
1. Federal law sets forth work requirements for all TANF families. These include the hours per week that must be worked and the percentage of the overall TANF caseload that the ASPIRE-TANF Program must place in work activities.  
  
Fifty percent (50%) of all TANF families must participate in countable work activities, at least, an average of 30 hours each week.
  2. The number of hours a TANF recipient is considered participating includes only the time involved in actual scheduled program activities, and not the time spent in traveling to and from the activity, nor the time spent in traveling to and from the child care provider.
  3. Allowable ASPIRE-TANF Program work activities to be counted toward hours of work requirement participation and participation rates for all TANF families are as follows:

***(IV.A.3. PROGRAM PERFORMANCE REQUIREMENTS CONTINUES ON NEXT PAGE)***

***(IV.A.3. PROGRAM PERFORMANCE REQUIREMENTS CONTINUED)***

- a. Countable toward the first 20 hours of participation each week are:
- Unsubsidized Employment – includes “Paid Employment”, Self-Employment, On-the-Job-Training, Work Study, ASPIRE Child Care Employment, and Apprenticeship.
  - Subsidized Employment
  - Work Experience – includes Field Training (skills)
  - On-the-Job-Training – On –the-Job-Training is considered to be Unsubsidized Employment
  - Job Search and Job Readiness (6 weeks in any 12-month period – 12 weeks in any 12-month period for States with Needy State status) – Job Search and Job readiness activities include Individual Job Search, Group Job Search, Pre-Vocational (ASPIRE), Pre-Vocation (referred), Substance Abuse/Mental Health Treatment, Field Training (readiness), Placement Assistance, and Job Development.
  - Community Service Programs – Activities include TEMP, and Volunteering.
  - Providing Child Care Services to an Individual Who is Participating in a community service Program.
  - Vocational Educational Training – Activities include Associate’s Degree (PaS), BA/BS Degree (PaS), College Courses, Community College Degree (PaS), Community College Certificate, Community College Courses, High School Equivalency (HSE) programs, Adult Basic Education (ABE), English for Speakers of Other Languages (ESOL), Employer Sponsored Training, and Technical/Trades Courses. One hour of study time will be counted toward participation for every verified hour of classroom participation.
- b. Countable after the first twenty (20) hours of participation each week:
- All activities listed in Section 3(IV)(A)(3)(a), plus
  - Job Skills Training Directly Related to Employment – Activities include all activities listed in Vocational Educational Training.
  - Education Directly Related to Employment – Activities include Adult Basic Ed (ABE), English for Speakers of Other Languages (ESOL), Adult Ed (diploma); High School, and high school equivalency preparation.

***(IV. PROGRAM PERFORMANCE REQUIREMENTS CONTINUES ON NEXT PAGE)***

***(IV. PROGRAM PERFORMANCE REQUIREMENTS CONTINUED)*****B. Mandatory ASPIRE-TANF Program Performance for Two Parent families receiving TANF**

1. Federal law sets forth additional work requirements for parents in two parent families. Two parent families are defined as TANF families with 2 or more Work Eligible Individuals. These include the hours per week that must be worked, or hours involved in work activities, and the percentage of the two parent population that the ASPIRE-TANF Program must place in work activities.

Ninety percent (90%) of TANF 2-Parent families must be participating in work activities an average of 35 hours each week or 55 hours each week, if child care is a provided service

2. Allowable ASPIRE-TANF Program activities to be counted toward hours of work requirement participation and participation rates for parents in two parent families are as follows:
  - a. Countable toward the first thirty (30) hours of participation each week: Unsubsidized Employment – includes “Paid Employment”, Self-Employment, On-the-Job-Training, Work Study, ASPIRE Child Care Employment, and Apprenticeship.
    - Subsidized Employment
    - Work Experience – included Field Training (skills)
    - On-the-Job-Training – On-the-Job-Training is considered to be Unsubsidized Employment
    - Job Search and Job Readiness (6 weeks in any 12-month period – 12 weeks in any 12-month period for States with Needy State status) – Job Search and Job Readiness activities include Individual Job Search, Group Job Search, Pre-Vocational (ASPIRE), Pre-Vocational (referred), Substance Abuse/Mental Health Treatment, Field Training (readiness), Placement Assistance, and Job Development.
    - Community Service Programs – Activities include TEMP, and Volunteering.
    - Providing Child Care Services to an Individual Who is Participating in a Community Service Program.
    - Vocational Educational Training – Activities include Associate’s Degree (PaS), BA/BS Degree (PaS), College Courses, Community College Degree (PaS), Community College Certificate, Community College Courses, High School Equivalency (HSE) programs, Adult Basic Education (ABE), English for Speakers of Other Languages (ESOL), Employer Sponsored Training, and Technical/Trades Courses. One hour of study time will be counted toward participation for every verified hour of classroom participation.

***(IV.B.2. PROGRAM PERFORMANCE REQUIREMENTS CONTINUED)***

- b. Countable after the first thirty (30) hours of participation each week:
- All activities listed in Section 3, (IV)(A)(3)(a); plus
  - Job Skills Training Directly Related to Employment – Activities include all activities listed in Vocational Education Training ; and
  - Education Directly Related to Employment – Activities include Adult Basic Ed (ABE), English for Speakers of Other Languages (ESOL), Adult Ed (diploma); High School, and high school equivalency preparation.

**V. SCHEDULING PROCEDURES**

- A. FIRST APPOINTMENT FOLLOWING ORIENTATION TO CREATE FAMILY CONTRACT AMENDMENT (FCA) - ASPIRE-TANF will notify participants in writing of the scheduled appointment for an Assessment. The notice will indicate the date and time of appointment, and will indicate the participant's rights and responsibilities on the reverse side. The letter will state that if unable to attend, the participant must notify ASPIRE-TANF prior to the appointment date.
- B. If the participant fails to appear for the appointment, and fails to provide the ASPIRE-TANF office on or before the date of the appointment with Good Cause (as determined by ASPIRE-TANF), a Notice of Sanction will be sent to OFI to apply a sanction. Please see Section 4, III. for information regarding Good Cause.
- C. SUBSEQUENT APPOINTMENTS - After the participant's first amendment to the Family Contract, scheduling for additional appointments may be done at the discretion of ASPIRE-TANF, either by placing the time and date of the appointment on the Family Contract, by sending the participant an appointment letter, or by orally scheduling the appointment. If the participant fails to appear for the appointment with ASPIRE, or with any of the service providers included in the Family Contract Amendment, and fails to provide the ASPIRE-TANF office on or before the date with Good Cause (as determined by ASPIRE-TANF), steps outlined in Section 3, sub-section V, B, will be followed.

**END OF SECTION**

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAMS RULES**

**SECTION 4: CONFIDENTIALITY, PARTICIPANT'S RIGHTS AND RESPONSIBILITIES, GOOD CAUSE, FAIR HEARINGS, SANCTIONS, INTENTIONAL PROGRAM VIOLATIONS, OVERPAYMENT PROCEDURES**

**SUMMARY:** This Section summarizes participants' rights and responsibilities including fair hearings, grievance procedures, and confidentiality. The Section also outlines Good Cause and sanctionable actions.

**I. CONFIDENTIALITY**

- A. Release of information about a participant to other Offices and Divisions within the Department of Health and Human Services or agencies under contract with ASPIRE-TANF, will be made only when such release is directly related to the administration of the ASPIRE-TANF activity for which information is needed.

Release of information to entities, other than those within the Department or agencies under contract with ASPIRE-TANF regarding participants will be made only upon receipt of written permission from the participant affected. This general rule relating to release of information applies to all requests from outside of the Department including other governmental authorities (local, State and Federal), courts of law, and law enforcement agencies, except as provided in Section 4, Subsection I, B. No information will be given to an absent parent concerning a participant without the written permission of said participant.

In addition, when information is sought and the participant's permission is furnished, ASPIRE-TANF will disclose only such information as is directly related to the administration of ASPIRE-TANF or the agency requesting the information.

- B. Exceptions to the requirement of obtaining the participant's written permission for release of information outside the Department are as follows:
1. In an emergency situation when the participant's consent for release of information cannot be obtained, and ASPIRE-TANF decides it is in the best interest of the participant to release the requested information, ASPIRE-TANF may release such information without written permission of the participant, with approval of a supervisor or supervisor's designee. The participant will be notified as soon as possible about the release and the reason for such release.
  2. Release of information to employers may be made as part of a job development or ASPIRE-Plus/OJT contract development activity providing that activity is included in the Family Contract Amendment which has been signed by the participant.

***(I.B. CONFIDENTIALITY CONTINUES ON THE NEXT PAGE)***

(July 20, 2020)

4-2

Policy #27A

***(I.B. CONFIDENTIALITY CONTINUED)***

3. If a subpoena or order is issued from a court for a case record, or for ASPIRE-TANF staff to testify concerning a participant, ASPIRE-TANF will call the court's attention to statutory provisions and regulations against disclosure of information. The decision regarding release of information will reside with the presiding judge.
  4. A participant's current address only may be made available to Federal, State or local law enforcement officers if the officer furnishes ASPIRE-TANF with the participant's name and demonstrates that:
    - a. The participant is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the individual flees, for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the individual flees; or
    - b. The participant is violating a condition of probation or parole imposed under Federal or State law; and
    - c. The location or apprehension of the a participant is within the officer's official duties; and
    - d. The request is made in proper exercise of those duties.
  5. In circumstances other than those covered in Section B, 4, when ASPIRE-TANF employees are asked by a law enforcement officer for the current address or other information regarding a participant, the employee should State that ASPIRE-TANF has no legal authority to disclose the information; but that ASPIRE-TANF will contact the participant and ask for permission to discuss the information, or to encourage the participant to come forward.
- C. With advance written notice of one working day a participant, or a participant's designated representative, may view the contents of the case record during normal business hours and on the premises where the case record is normally kept. Upon request, ASPIRE-TANF will make photocopies of relevant portions of the case record for the participant, or the designee, to take from the premises. The provision for advance written notice of one working day will be waived in instances where a supervisor meeting, or similar event, has been scheduled within twenty-four hours of its being requested.

Information contained in the case record and deemed confidential by ASPIRE-TANF (e.g., names of persons providing information, or information about other persons, of which the participant should not be aware and which has no bearing on the participant's right to due process) must be removed, de-identified or deleted prior to the participant viewing the record. Information removed from the case record will not be used by either party in hearings or similar proceedings.

***(I.D. CONFIDENTIALITY CONTINUES ON NEXT PAGE)***

**(I. CONFIDENTIALITY CONTINUED)**

- D. ASPIRE-TANF will take all necessary precautions to ensure that paper case records and other information regarding participants are kept, when not in use, in filing cabinets or drawers out of public view. Case records may be viewed by supervised ASPIRE-TANF trainees, temporary employees or contractors who have signed a Statement informing them of their responsibilities to ensure client confidentiality.

**II. PARTICIPANTS' RIGHTS AND RESPONSIBILITIES**

- A. Participants will be notified orally of their rights and responsibilities at the time of the Assessment interview and when a sanctionable act is committed if ASPIRE-TANF is able to meet face-to-face with the participant.
- B. A Notice of Rights and Responsibilities will be printed on the reverse side of all correspondence sent to participants as well as on the Family Contract Amendment and other ASPIRE-TANF documents signed by the participant.
- C. The Notice of Rights and Responsibilities will include a description of sanctions and participant rights and responsibilities including fair hearings.
- D. Federal law and regulations require that mandatory participants who fail without Good Cause to comply with ASPIRE-TANF program rules be sanctioned for failure to comply. Failure of a mandatory ASPIRE recipient to attend ASPIRE appointments or to sign or abide by the terms of the Family Contract Amendment without Good Cause will result in termination of benefits to the individual for the lesser of ninety (90) days or until the failure to comply ceases. TANF cash assistance for the remainder of the eligible family members will continue, if they are otherwise eligible for TANF. Should the first failure to comply last for longer than 90 days or for a second and subsequent non-compliance, TANF cash assistance for the full family unit will be terminated. Food Supplement (SNAP) benefits may also be reduced for a specified period. Non-mandatory participants who do not comply with ASPIRE-TANF program rules may have services and support withdrawn, but TANF and Food Supplement (SNAP) benefits will not be reduced.
- E. Any participant who has Good Cause for failure to comply with ASPIRE-TANF program rules as determined by ASPIRE-TANF will not be sanctioned.
- F. Participants who disagree with ASPIRE-TANF decisions have the right to an Administrative Hearing, sometimes referred to as a Fair Hearing (Section 4, IV).
- G. The ASPIRE-TANF program is obligated by Federal regulations and State law to protect the basic rights and dignity of participants by ensuring confidentiality of information concerning those participants.
- H. The *Deficit Reduction Act of 2005* requires States to report actual, verified hours of activity of TANF recipients. ASPIRE participants must provide verification of their hours of participation in ASPIRE activities.

**(III. GOOD CAUSE ON NEXT PAGE)**



### III. GOOD CAUSE

- A. A finding of Good Cause allows the participant to temporarily suspend compliance with ASPIRE-TANF rules and policies, including participation in a particular activity. It is the responsibility of the participant to demonstrate to ASPIRE-TANF staff that Good Cause exists. ASPIRE-TANF staff will determine whether Good Cause exists based on the information and verification provided by the participant. In addition, Good Cause can be granted by OFI Eligibility staff at the time of application in instances where participation in ASPIRE-TANF would not be in the best interests of the TANF recipient (e.g., domestic violence situations). Please refer to the Maine Public Assistance Manual for further information.
- B. Good Cause for failure to comply with ASPIRE-TANF rules is the following:
1. Illness or advanced age of the participant, or illness or incapacity of a household member that requires the participant to provide care in the home. Verification by a physician may be required.
  2. Court-required appearance or incarceration.
  3. A crisis, special circumstances, or other reason that the Department determines to be Good Cause that causes an individual to be absent from or discontinue a Department activity, about which the Department has been advised, including lack of transportation or childcare necessary for participation when the individual does not have a reasonable alternative to enable the individual to participate.

If an individual has access to transportation that is reasonable under the circumstances through any program at the Department, the individual is ineligible to receive Good Cause based on lack of transportation.

4. Inability to participate due to domestic violence when the individual is unable to participate because of physical injuries or the psychological effects of abuse; because of legal proceedings, counseling or other activities related to abuse; because the abuser actively interferes with the individual's participation; because the location puts the individual at risk; or for other Good Cause related to domestic violence. Reasonable and verifiable evidence may include, but is not limited to, the following:
  - a. court, medical, law enforcement, child protective, social services, psychological or other records that establish that the individual has been the victim of domestic violence; or
  - b. sworn statements from persons other than the individual with knowledge of the circumstances affecting the individual; or
  - c. visual observation by ASPIRE-TANF staff of physical injuries.

***(III. GOOD CAUSE CONTINUES ON NEXT PAGE)***

***(III. GOOD CAUSE CONTINUED)***

- C. Good Cause for failure to accept employment or for quitting employment includes those items listed in Section III, (B), and the following:
1. The employment does not pay at least the Maine minimum wage.
  2. The employment is dangerous to health or safety.
  3. Daily commuting time or daily distance is more than a two hour round trip commute from the participant's residence.
  4. The participant is not physically and/or mentally able to do the job.
  5. The participant is required to join or quit a union.
  6. There is a legal strike or lock-out or other bona fide labor dispute at the work site.
  7. The job or work hours interfere with the participant's religious beliefs.
  8. Community resources (e.g., transportation and child care) necessary for participation in employment are not available.
  9. The employment offered interrupts a program in progress under an approved Family Contract Amendment.
  10. The participant is laid off and job-attached as defined by Unemployment Insurance law.
- D. Good Cause Procedure:

When a participant is notified that they failed to comply with ASPIRE-TANF rules and they claim, either orally or in writing, within five working days of receiving the notification, that they have Good Cause, the Department or the Department's representative shall offer to meet with the participant.

The Department or the Department's representative will schedule a meeting with the participant. A meeting will be scheduled by:

1. The Department or the Department's representative contacting the participant by phone and agreeing on a location, date and time which is at least five days from the date of the phone contact; or
2. A written scheduling notice mailed to the participant, when phone attempts for scheduling are unsuccessful. A written scheduling notice will be mailed to the participant a minimum of seven calendar days prior to the meeting date.
3. The meeting may be conducted by phone, as scheduled a minimum of five days in advance.

***(III. . GOOD CAUSE CONTINUES ON NEXT PAGE)***

***(III. GOOD CAUSE CONTINUED)***

## E. Meeting Requirements:

1. The Department or Department's representative will:
  - a. Present a notice describing Good Cause and the participant's rights to request Good Cause; and
  - b. Verbally explain to the participant the reasons for which Good Cause may be granted and the participant's right to apply for Good Cause verbally or in writing; and
  - c. Provide an opportunity for the participant to request Good Cause either wholly or in part.
2. The Department or Department's representative will make a written record of the meeting including documenting that the participant was given the notice describing Good Cause, the opportunity to request Good Cause and the participant's reason for requesting Good Cause.

## F. Meeting Result:

1. The Department's representative shall make a recommendation on the participant's request for Good Cause, including the basis for the recommendation, in writing.
2. The Department shall issue a final determination notice approving or denying, wholly or in part, the participant's request for Good Cause. This notice will include the reasons for the Good Cause decision and the participant's right to a fair hearing.
3. The Department may deny Good Cause if the participant fails to attend the scheduled meeting under Section E. above.

***(IV. FAIR HEARINGS ON THE NEXT PAGE)***

**IV. FAIR HEARINGS**

- A. A participant who disputes an ASPIRE-TANF decision, including either involving the ASPIRE-TANF Family Contract Amendment (including suspension, reduction, overpayment, or the discontinuation of program services), or the allegation by ASPIRE-TANF that an act of non-compliance or a sanctionable act has been committed, has the right to a fair hearing, provided the request for a fair hearing is made timely. ASPIRE-TANF or OFI eligibility staff will complete the fair hearing request on behalf of the participant and forward it to the Administrative Hearings Unit. See 10-144 CMR Ch. 331, Maine Public Assistance Manual (TANF) Chapter VI, for additional information on the Fair Hearings and Administrative Hearings.
- B. The request for a fair hearing must be made within thirty (30) calendar days of the issuance of the notice of action which is disputed. If the disputed decision involves suspension or termination of ASPIRE-TANF services which have been previously granted or reduction of TANF or Food Supplement (SNAP) benefits, and the participant requests a fair hearing within ten (10) days of the notice, ASPIRE-TANF services and/or TANF and Food Supplement (SNAP) benefits will continue pending outcome of the fair hearing.
- C. ASPIRE-TANF will offer to assist the participant in contacting free legal counsel and will otherwise assist the participant in preparing for the fair hearing as may be necessary.
- D. At the fair hearing, the participant has the right to:
1. be assisted by a representative of the participant's choice;
  2. present witnesses;
  3. examine and introduce evidence from the case record, and examine and introduce any other pertinent Department documents;
  4. present and establish all relevant facts and circumstances by oral testimony and documentary evidence;
  5. advance any pertinent arguments without undue interference;
  6. question any testimony, and confront and cross-examine adverse witnesses.

***(V. SANCTIONABLE ACTS ON THE NEXT PAGE)***

(February 6, 2017)

4-8

Policy #23A

**V. SANCTIONABLE ACTS**

- A. TANF recipients are expected to enroll and participate in ASPIRE-TANF activities, and every effort will be made to encourage the cooperative participation by both mandatory and voluntary participants.

When a participant fails to participate, as required by ASPIRE-TANF rules, a sanction may occur.

- B. A sanctionable act is one which can result in the loss of TANF and Food Supplement (SNAP) benefits for a period in accordance with OFI eligibility rules. The following will be considered sanctionable acts unless Good Cause is established:
1. Failure or refusal to keep an initial Assessment appointment. The participant will receive the Assessment appointment scheduling information in writing.
  2. Failure or refusal to keep additional appointments required by ASPIRE-TANF, scheduled either by including appointment details on the Family Contract Amendment, by a written appointment letter, or by scheduling the appointment verbally.
  3. Failure or refusal to sign, or abide by the provisions of the Family Contract, Family Contract Amendment, Training Agreement, or Work Site Agreement, or failure or refusal to abide by performance or satisfactory progress standards listed in a Family Contract Amendment, Training Agreement, or Work Site Agreement.
  4. Seriously disrupting an ASPIRE-TANF activity, including employment, or behaving in a manner which constitutes a threat, hazard or risk to others, including an activity site agency or business.
  5. Failure or refusal to report to an employer when referred; make application or accept suitable employment; voluntarily quitting a job or reducing wages without Good Cause; or being discharged for misconduct (refer to Section 4, (III)(C) for Good Cause reasons).

OFI may not sanction a single custodial parent with a child under age 6 based on the parent's refusal to engage in required work if she or he demonstrates an inability to obtain needed child care which is appropriate, affordable, and suitable.

***(VI. SANCTIONING PROCEDURES ON THE NEXT PAGE)***

(February 6, 2017)

4-9

Policy #23A

**VI. SANCTIONING PROCEDURES**

- A. Prior to imposing a sanction against an individual, ASPIRE-TANF must complete a sanction determination process, which includes the following:
1. Thoroughly review the circumstances of the individual.
  2. Make a sanction recommendation.
  3. Obtain supervisory approval of the recommendation of the ASPIRE Specialist to begin the sanction process.
  4. A notice of noncompliance will be completed by ASPIRE-TANF staff, and will be forwarded to the appropriate workers for initiating the sanction process.
  5. The sanction process will be initiated according to Maine Public Assistance Manual (TANF), Chapter II. The sanction will take effect no sooner than 12 workdays from the date of the notice of decision set forth in Section 4, VI(A)(6), below.
  6. The individual will receive a notice of decision that states the basis for the sanction, including the appropriate ASPIRE-TANF rule citations and the right to appeal the decision, and a complete list of Good Cause reasons as set forth in 22 M.R.S. §3785.
  7. The participant will have 10 workdays from the date of the notice of decision to respond to the notice to the caseworker by:
    - a. disputing the allegations;
    - b. providing information showing Good Cause;
    - c. taking the necessary steps to stop the sanction process, such as completing the requirement that caused the sanction process to be initiated; or
    - d. appealing the notice of decision:
      - (i) if the appeal is requested within 10 workdays from the date of the notice, benefits stay open.
      - (ii) if the appeal is after 10 workdays from the date of the notice, but within 30, benefits will close in the same manner as described in the notice of decision.
  8. A supervisor shall stop the sanction process if:
    - a. factual allegations giving rise to the initiation of the sanction process are proven incorrect, per Section 4, VI(A)(7)(a);
    - b. Good Cause has been verified; or
    - c. the necessary steps have been taken to stop the sanction process.

***(VI.A. SANCTIONING PROCEDURES CONTINUES ON THE NEXT PAGE)***

(February 6, 2017)

4-10

Policy #23A

***(VI.A. SANCTIONING PROCEDURES CONTINUED)***

9. If a supervisor finds Good Cause, he or she shall offer reasonable alternative participation requirements, and document them in the participant's Family Contract Amendment and case record.
  10. OFI shall provide the participant written notification of the decision made by ASPIRE-TANF staff concerning a claim made pursuant to Section 4, VI(A)(7)(a) or (b).
  11. If the Hearing Officer rules that a sanction has been imposed in error, the Department will correct the error and remedy the case by restoring appropriate benefits, per the Maine Public Assistance Manual (TANF) rules.
- B. OFI shall maintain data on sanctions, including the number of sanctions recommended and results of supervisory reviews.

**VII. OVERPAYMENT PROCEDURES**

- A. When a support service (e.g., child care, transportation, auto repairs, etc.) payment amount is determined to be incorrect as a result of an agency or participant error, or false information presented by the participant, then an overpayment must be calculated. This information is forwarded to an OFI Overpayment Specialist, who will determine the recoupment amount from the TANF or PaS check, according to TANF policy (Maine Public Assistance Manual, Chapter VI, pgs. 14 - 17).
- B. Prior to forwarding the overpayment information to the Overpayment Specialist, the ASPIRE-Specialist will contact the participant in writing about the overpayment. The participant will have 10 days from the mailing date to respond to the ASPIRE Specialist. The participant will be notified in writing of the right to an Administrative Hearing.
- C. If the participant fails to respond to the letter about the overpayment, or if following a response the ASPIRE Specialist determines that the overpayment still exists, the overpayment information will be sent to the TANF worker for action.
- D. If an overpayment is established OFI may refer the case to the Fraud Investigation and Recovery Unit for action.
- E. If an ASPIRE payment is made directly to a provider who has misled or misrepresented their services provided or fees, an overpayment will not be the responsibility of the participant. This overpayment will be referred to the Fraud Investigation and Recovery Unit for action.

***(VIII. INTENTIONAL PROGRAM VIOLATION ON THE NEXT PAGE)***

(February 6, 2017)

4-11

Policy #23A

**VIII. INTENTIONAL PROGRAM VIOLATION**

- A. Intentional program violations (IPVs): if the ASPIRE Specialist determines that an action taken by a participant (such as submitting false bills for payment) is taken with the intention of receiving financial assistance to which the individual is not entitled, a referral to the OFI Overpayment Specialist will be made, providing the information and documentation that will allow the Overpayment Specialist, in collaboration with the Fraud, Investigation and Recovery Unit (FIRU), to decide if an IPV hearing is warranted (according to the rules as set forth in the Maine Public Assistance Manual (TANF), Chapter VI, pages 18 - 30), and to schedule the hearing. The ASPIRE Specialist will be present at the IPV hearing to participate as needed.
- B. Restrictions on the use of the EBT system (*See TANF/Maine Public Assistance Manual, Chapter VI Administrative Procedures; Section - Electronic Benefits Transfer (EBT) System*). Unauthorized spending of benefits will result in an Intentional Program Violation (IPV) and, when discovered, a referral will be made to the Fraud, Investigation and Recovery Unit (FIRU) for further review and recovery. This includes the intentional misuse of ASPIRE support service benefits.

**END OF SECTION**



(February 6, 2017)

5-1

Policy #23A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 5: WORK EVALUATION PROCESS**

**Summary:** This Section describes the parts of the Work Evaluation, which is the period of time, not to exceed 90 days, during which recipients complete the orientation process, complete an Assessment for determination of ASPIRE-TANF services that are needed, are informed of their rights and responsibilities, and amend the initial Family Contract.

It is during the Evaluation that a determination of eligibility for the Parents as Scholars program is completed (It is important to note that application for the PaS program can occur at any point during participation in ASPIRE-TANF). See Section 16 for further information about the PaS program.

**I. GENERAL PROVISIONS**

- A. Each TANF recipient who is mandated to participate, or volunteers to participate, in the ASPIRE-TANF Program will complete an Assessment which will be part of the evaluation to determine the services required to meet the employment goal that is mutually agreed upon by ASPIRE-TANF staff and the participant. As a part of the orientation process for TANF and ASPIRE, all participants must be given the opportunity to apply for any education, training and employment and support services at the office of the program serving the area in which the individual lives.

At orientation, each participant shall receive a complete list of all support services and education, training and employment services available under the ASPIRE-TANF program. A written copy of each Family Contract Amendment must be given to the participant (including subsequent Family Contract Amendments), together with a complete list of all support services and education, training and employment services available under the program, and notice of the participant's right to request a fair hearing.

A participant may request a new Family Contract Amendment at any time. If the participant's request is denied, the participant must be notified in writing of the reason for the denial and must be given notice of the right to a fair hearing. The services provided by ASPIRE-TANF are those that will lead to sustainable employment, and possible penalties for failing to comply with ASPIRE-TANF Program rules must be explained (verbally and in writing) to participants. The final determination as to the content of the Family Contract Amendment will be decided by ASPIRE-TANF staff utilizing the Assessment process and, to the maximum extent possible, the preferences of the participant.

Services requested will be approved or denied by ASPIRE-TANF within thirty (30) days of request based on the availability of, and funding for, the services, and/or whether it is necessary to complete the Family Contract Amendment. Reasons for denial will be indicated on the notice to the participant together with appropriate citations from ASPIRE-TANF rules. A participant who disagrees with the denial has a right to a fair hearing.

*(I.B. GENERAL PROVISIONS ON THE NEXT PAGE)*

(February 6, 2017)

5-2

Policy #23A

***(I. GENERAL PROVISIONS CONTINUED)***

- B. During the Assessment process, information about the participant will be gathered that will include but will not necessarily be limited to:
1. **Family Structure** - including numbers and ages of children, other dependents (in and out of household), and significant other (in and out of household).
  2. **Work History** - Both paid and unpaid.
  3. **Education Grade Completed** - including types of courses and institutions attended.
  4. **Financial Status** - including source(s) of income, expenditures and projected need.
  5. **Physical and Mental Health Status** - of the participant and family members.
  6. **Environmental Support Systems** - including the housing situation, child care arrangements and transportation.
  7. **Personal and Employment related goals and interests** - the participant's stated personal and employment goals, if known.
  8. **ASPIRE-TANF Services Necessary to Obtain Sustainable, Paid Private and Public Employment**
  9. **Barriers to Employment** - including physical and mental health issues; domestic violence indicators; substance abuse; and other barriers that need to be overcome to move towards self-support. If Good Cause for non-participation is found during the Assessment process, it will be documented in the participant's case record. Review of Good Cause circumstances will occur at least every three (3) months or according to timelines established by supporting documentation, whichever comes first.

**C. PROCEDURES**

1. During the Assessment, information obtained from the ASPIRE-TANF participant, during interview(s) and from other sources will be expanded upon. In addition, the following information will be discussed and obtained:
  - a. The participant's reaction to employment experiences, if any.
  - b. The participant's reaction to educational experiences.
  - c. Whether there is an emotional and environmental support system and whether it is adequate.
  - d. Community and family resources available to the participant.

***(I.C.1.e. GENERAL PROVISIONS ON THE NEXT PAGE)***

(February 6, 2017)

5-3

Policy #23A

*(I.C.1. GENERAL PROVISIONS-PROCEDURES CONTINUED)*

- e. The participant's behavioral patterns and whether they are functional.
  - f. The participant's life management skills (e.g. parenting skills, budgeting, health care, etc.). Community referrals will be made as needed where resources are reasonably available.
  - g. The participant's decision-making skills.
  - h. Substance abuse issues as appropriate. Referrals for evaluation may be made.
  - i. The participant's motivation level and whether goals are achievable, and whether the goals and interests will lead to employment or self-employment.
  - j. Achievement level (knowledge, skills and abilities).
  - k. Aptitude level.
  - l. ASPIRE-TANF will provide all applicants for assistance with information both orally and in writing of the availability of services for victims of domestic violence and of the Good Cause determination for victims of domestic violence. If an applicant requests a Good Cause determination, ASPIRE-TANF will promptly determine whether the applicant qualifies for Good Cause. An individual may not be required to participate in any TANF activity including orientation until the Good Cause determination is made. When a determination of Good Cause is made, the ASPIRE-TANF program may contact the individual and offer domestic violence victim services or other appropriate services on a voluntary basis.
2. The Assessment for teen participants will contain additional elements to those described in Section 3.II.C., as follows:
- a. **Family Planning** - A description of the parent's knowledge about, and plan for, preventing an unwanted pregnancy.
  - b. **Health Care** - A description of the current health care the parent is utilizing for the family.
  - c. **Pregnancy** - A description of the dynamics around the conception and birth of the child, and the initial parenting ability of the parent.

*(I.C.2.d. GENERAL PROVISIONS CONTINUES ON THE NEXT PAGE)*

(February 6, 2017)

5-4

Policy #23A

***(I.C.2. GENERAL PROVISIONS-PROCEDURES CONTINUED)***

- d. **Paternity** - A description of the relationship between the parent, the child and the child's other parent, and the parent's feelings about this. This includes whether paternity has actually been established, whether any child support is being paid, whether the other parent has visitation rights and whether those rights are exercised.
  - e. **Parents** - A description of the relationship the teen parent has with his or her family, and what influences the teen's family has on the current situation.
3. Methods of obtaining specific data are dependent on the availability of information. Any existing information will be used for the Assessment before consideration is given to additional testing. The ASPIRE-TANF unit will make the final determination of the method or methods to be used, which are described as follows:
- a. **Achievement Level**
    - 1. Achievement test results from any organization or agency, public or private (e.g. school records).
    - 2. Work history with task analysis.
    - 3. Grade Point Average from a post-secondary institution.
    - 4. Achievement test normed for the appropriate population.
  - b. **Aptitude Level**
    - 1. Aptitude test results from any organization or agency, public or private (e.g. school records).
    - 2. Work history with task analysis.
    - 3. Grade Point Average from a post-secondary institution.
    - 4. Aptitude tests normed for the appropriate population.
  - c. **Interest Level**
    - 1. Participant's stated interest.
    - 2. Work history and educational history consistent with stated goal.
    - 3. Interest test results from another organization or agency (e.g., school records).

***(I.C.3.C. GENERAL PROVISIONS-PROCEDURES CONTINUES NEXT PAGE)***

(February 6, 2017)

5-5

Policy #23A

***(I.C.3.c. GENERAL PROVISIONS-PROCEDURES CONTINUED)***

4. Interest tests normed for the appropriate population.
5. A vocational evaluation will follow the Assessment at the point that the participant is ready to establish an employment goal. The vocational evaluation will include:
  - (a) an analysis of the employment goal as it relates to the financial needs of the participant following employment;
  - (b) a determination of how the training relates to a participant's vocational interests and occupational aptitudes based on any combination of the following: volunteer work, work history, informational interviews or field training;
  - (c) a determination as to whether there is a reasonable expectation of employment upon completion of training; and
  - (d) estimated employment and training costs to ASPIRE-TANF.
6. Assessment and vocational evaluation may be held either one-on-one with the participant or in groups. Assessment in groups will be followed by a one-on-one meeting to discuss data gathered and issues raised in the group setting.

**END OF SECTION**

(February 6, 2017)

6-1

Policy #23A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 6: CASE MANAGEMENT**

**Summary:** This Section describes case management which is an on-going interactive process, between the participant and ASPIRE-TANF, of identifying the needs of the participant and the family, and the services appropriate to meet those needs; and providing the assistance, coordination and advocacy necessary to ensure access to those services, in order that the participant may obtain the skills and support necessary to become employed. Case management includes counseling the participant regarding employability, brokering of support services, advocating for the participant and monitoring, evaluating and documenting the participant's progress in order to assist the participant to meet his or her mandated work requirement and to obtain the skills and support needed to maintain and retain employment.

**I. GENERAL PROVISIONS**

- A. Each ASPIRE-TANF participant will be provided a case manager.
- B. The case manager and participant relationship within ASPIRE-TANF is primary and essential.
- C. The extent of the case manager's involvement is dependent on the participant's needs.
- D. The case manager monitors each ASPIRE-TANF participant's compliance with work requirements.

**II. FUNCTIONS**

ASPIRE-TANF, case management is comprised of the following functions:

- 1. Evaluating and determining ASPIRE-TANF participants' strengths
- 2. Evaluating and determining ASPIRE-TANF participants needs
- 3. Prioritizing the participant's needs in order to assist the participant in obtaining employment as quickly as possible
- 4. Assisting participants to make informed choices
- 5. Developing participant-centered employment plans based on Assessment information
- 6. Writing Family Contract Amendments that bind both the Department and the participant to the actions in the contract.
- 7. Identifying and referring the participants to available resources (both within and outside the Department) to assist them in meeting their needs.

***(II. FUNCTIONS CONTINUES ON THE NEXT PAGE)***

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(February 6, 2017)

6-2

Policy #23A

***(II. FUNCTIONS CONTINUED)***

8. Evaluating the effectiveness of the participant's resources.
9. Advocating for the participant with resource providers (both within and outside the Department).
10. Monitoring, evaluating and documenting the participant's progress during their enrollment in ASPIRE-TANF.
11. Authorizing expenditures of State and Federal funds on behalf of the participant consistent with ASPIRE-TANF rules.
12. Maintaining participant confidentiality at all times.
13. Making the basics of budgeting income available to all ASPIRE participants.

**END OF SECTION**

(February 6, 2017)

7-1

Policy #23A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 7: FAMILY CONTRACT AMENDMENT (FCA)**

**Summary:** This Section describes the Family Contract Amendment, which is a short term, contractual plan indicating specific steps to be taken by both ASPIRE-TANF and the participant to reach an interim goal, leading to the goal of employment.

**I. GENERAL PROVISIONS**

- A. The initial Family Contract Amendment, and any subsequent FCA, is time-limited, and can be written for a maximum of six (6) months. The Family Contract Amendment lists interim goals necessary to reach the long-term goal of employment. The Family Contract Amendment lists services in detail as well as estimated costs, and lists specific actions to be taken by both ASPIRE-TANF and the participant. The Family Contract Amendment is a contract between ASPIRE-TANF and the participant, requiring both parties to complete their obligations. The Family Contract Amendment and the services authorized will be binding on ASPIRE-TANF as long as the participant is meeting obligations, there is sufficient funding to continue the Family Contract Amendment, and the contents of the Family Contract Amendment are in agreement with ASPIRE-TANF rules, policies and procedures in effect at the time the contract is written. If the participant is meeting obligations and all parties agree, the Family Contract Amendment can be revised.
- B. If the TANF or PaS benefit closes while a valid Family Contract Amendment is in effect, transitional services may take priority over the authorized ASPIRE child care and transportation support services, and the Family Contract Amendment will end on the last day of the month the final TANF or PaS benefit is received.
- C. Any documented, substantiated evidence of misuse of funds, purchased goods and/or services on the part of the participant will be grounds for termination of the most current Family Contract Amendment. Repayment or other suitable recovery procedures will be instituted to recover misspent funds (see Section 4(VIII)).
- D. The Family Contract Amendment will reflect the participant's preferences and abilities to the extent that they conform to the goal of the ASPIRE-TANF program to help participants gain employment, and to the extent that those preferences conform to any other applicable ASPIRE-TANF rules. Every effort will be made to reach agreement with the participant on the content of the Family Contract Amendment.

When such agreement cannot be reached, ASPIRE-TANF staff will determine the final content of the Family Contract Amendment. Participants who disagree with the content of the Family Contract will have the right to a fair hearing.

***(II. PROCEDURES ON THE NEXT PAGE)***



(February 6, 2017)

7-2

Policy #23A

**II. PROCEDURES**

The initial Family Contract is completed at the time application for TANF or Parents as Scholars benefits is made.

- A. A Family Contract Amendment will be written and signed by the participant and ASPIRE-TANF staff following Assessment. The employment goal, in as much detail as possible, will be listed on the first Family Contract Amendment.
- B. The Family Contract Amendment will be completed subsequent to the orientation meeting. It will list an employment goal, an interim goal (e.g. job search, high school completion, skills training, etc.) and specific activities of both ASPIRE-TANF and the participant necessary to reach this goal. The Family Contract Amendment will be specific and detailed and will list all support services required during the length of the contract and the estimated costs of those services.
- C. The Family Contract Amendment will be signed by the ASPIRE-TANF staff and the participant. The participant will receive a copy of each Family Contract Amendment. ASPIRE-TANF staff will provide each participant the opportunity to disagree with the content of the Family Contract Amendment. A participant disagreeing with the content of the Family Contract Amendment, may so indicate on the Family Contract Amendment, and may request a fair hearing. Even if the participant disagrees with the content, the participant must sign the Family Contract Amendment or be subject to sanctions. The Family Contract Amendment will be limited to the time period necessary to reach the interim goal, not to exceed six months. A new Family Contract Amendment may be written if changes are necessary.
- D. The Family Contract Amendment may take into account certain needs of the participant's immediate family including referral for counseling and other activities which involve no direct cost to ASPIRE-TANF.
- E. ASPIRE-TANF will provide assistance as needed to the participant to help understand the purpose and content of the Family Contract Amendment.

**END OF SECTION**

(February 6, 2017)

8-1

Policy #23A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 8: PRE-TRAINING**

**Summary:** This Section describes the pre-training component which consists of activities designed to prepare participants for job skills training, post-secondary education, job search services, employment services, subsidized or unsubsidized employment, or self-employment.

**I. GENERAL PROVISIONS**

- A. Pre-training activities may include, but are not limited to, remedial and secondary education programs, job readiness training, employment and self-employment counseling, field training, and referral to services to improve life management skills, encourage personal responsibility and provide the needed foundation to engage in activities aimed at securing and maintaining employment.
- B. Based on Assessment, a Family Contract Amendment will be developed which will reflect the participant's pre-training needs and will include necessary and available support services.
- C. ASPIRE-TANF will pay for services necessary to complete the Family Contract Amendment only when those services cannot be funded from other sources and only as long as funding is available for those services. ASPIRE-TANF will purchase the least expensive quality service necessary to meet the participant's needs.
- D. When approved pre-training programs are available at comparable quality and cost, including the cost of support services, and the implementation of the Family Contract Amendment would not be unreasonably delayed, the participant may choose to enroll in the program with the provider of the participant's choice. If the ASPIRE-TANF case manager and the participant cannot mutually agree on the choice, then the decision will be made by the ASPIRE-TANF unit supervisor and is subject to a fair hearing.

**II. PRE-TRAINING ACTIVITIES AND PROCEDURES**

- A. **Employability Counseling** - Employability counseling helps participants make informed choices about personal issues, education, training and employment by interpreting data from assessments and providing information as to how that data relates to the participant's needs, interests, strengths, available employment options and resources.
- B. **High School Diploma Programs** - High School Diploma Programs are available through local area high schools, adult education and alternative education programs.

**(II. PRE-TRAINING ACTIVITIES AND PROCEDURES CONT. ON THE NEXT PAGE)**

(February 6, 2017)

8-2

Policy #23A

- C. **High School Equivalency Preparation and Training** - High School Equivalency preparation and training is offered by local adult education programs, and other agencies.
- D. **Remedial Education** - Remedial Education is individual or group training offered by local adult education programs, Literacy Volunteers and other agencies to assist the participant in obtaining a basic literacy level of at least grade 8.9 or to fulfill labor market requirements necessary for the participant to reach his/her goal. Remedial Education also provides training in English proficiency.
- E. **Job Readiness** - Activities designed to prepare participants for education, training and/or employment services. These activities include:
  - 1. **Life Management Skills** - Life management skills activities include options such as budgeting of resources, driver's training, substance abuse counseling, use of available resources, use of supportive services, personal counseling, self-esteem building, appropriate work habits, dealing with others in the work environment and interpersonal communications (e.g. active listening, how to ask questions, etc.). These services may be available to participants in a variety of community-based settings and formats.
  - 2. **Work Readiness Activities** - These activities include: job shadowing, job coaching, mentoring, situational assessment, and any other activity that will encourage obtaining or retaining employment.
  - 3. The following pre-training activities are available to program participants if reasonably available in the participant's area:
    - a. **Family Planning:** To assist the participant in decision-making regarding future pregnancies. This service is typically provided through clinics, private practitioners, and hospitals.
    - b. **Health Care:** Health Care referrals for participant's family members. This service is typically provided through clinics, private practitioners, and hospitals.
    - c. **Parenting Education:** To enable the participant to maximize parenting skills. These services are typically provided in center-based, school-based and in-home settings.

**END OF SECTION**

(February 6, 2017)

9-1

Policy #23A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 9: FIELD TRAINING**

**Summary:** This Section pertains to ASPIRE-TANF Field Training in both public and private training sites.

**I. GENERAL PROVISIONS**

- A. Field Training is a training opportunity in either the public or private sector for a maximum of thirty (30) hours per week, not to exceed twenty-six (26) weeks per placement. The participant is provided \$2.00 per hour for training-related expenses in addition to the support services needed to complete the training (see Section 14 for further information about support services).
- B. The purpose of Field Training is to provide the participant on-site career exploration and experience, occupational skills, socialization to work, work maturity skills and family and work management skills.
- C. Field Training is a component for participants who:
  - 1. Have little or no experience in a work place; or
  - 2. Have a career goal in which they have limited or no experience.
- D. Field Training sites receive no funds from the ASPIRE-TANF program for the Field Training placement.
- E. All ASPIRE-TANF Field Training positions will comply with the following U.S. Department of Labor regulations:
  - 1. The training, even though it includes the actual operation of the facilities of the employer, is similar to that which would be given in a vocational school;
  - 2. The training is for the benefit of the participant;
  - 3. The participant does not displace regular employees, but trains under close observation;
  - 4. The employer that provides the training derives no immediate advantage from the activities of the participant. On occasion operations may actually be impeded;

***(I.E. GENERAL PROVISIONS ON NEXT PAGE)***

(February 6, 2017)

9-2

Policy #23A

***(I. GENERAL PROVISIONS CONTINUED)***

5. The participant is not entitled to a job at the conclusion of the training period; however, if the training site does have job openings, the participant will be interviewed and considered for hire.
6. The employer and the participant understand that the participant is not entitled to wages or benefits such as Worker's Compensation, medical coverage, vacation or sick leave, etc. for the time spent in training.

**II. FIELD TRAINING PROCEDURES**

- A. Unless the ASPIRE-TANF case manager, the participant or the employer has demonstrated and documented to ASPIRE-TANF that it is in the best interest of the participant, field placements will comprise no more than 10% of an employer's work force.
- B. A participant will not be placed in a training site that would be hazardous to health or safety. All sites must be in compliance with EEO regulations.
- C. No Field Training sites will be developed or utilized in an organization where there is a labor dispute or where the Field Training component would be in violation of a collective bargaining agreement.
- D. Supervision must be provided to Field Training participants for all hours at the training site by the employer or their designee.
- E. A Training Agreement and a Training Description must be written for each Field Training assignment and signed by ASPIRE-TANF staff, the participant and the Field Training site supervisor.
- F. ASPIRE-TANF staff will monitor the progress of the Field Training participant by visiting the training site and interviewing the supervisor and the participant as often as is necessary to ensure compliance with all policies and procedures of the Field Training component.
- G. The Training Site supervisor will maintain a written time and attendance record that will be signed by both the supervisor and the participant. This time and attendance record will be provided to ASPIRE-TANF at least once every four (4) weeks.
- H. If the Training Site has job openings in a similar field and with a similar schedule as the Field Training position, and the Field Training participant is not hired for the openings two (2) times, the site will no longer be used by ASPIRE-TANF.
- I. No organization, firm or industry in violation of local, State or Federal laws will be eligible to be a Field Training site.

***(II.F. FIELD TRAINING PROCEDURES CONTINUES ON NEXT PAGE)***

(February 6, 2017)

9-3

Policy #23A

***(II. FIELD TRAINING PROCEDURES CONTINUED)***

- J. The Equal Employment Opportunity (EEO) and *American with Disabilities Act (ADA)* policies of the prospective Field Training sites should be assessed to determine if the training will be conducted in a responsive setting and the Training Site is in compliance with EEO and ADA regulations.
- K. The Field Training Site must agree to maintain the confidentiality of any information regarding ASPIRE-TANF participants or their immediate families, including information which may be obtained through interviews, tests, reports from public agencies or counselors, or any other source. Without the permission of the participant, such information can be divulged only as necessary for purposes related to the performance or evaluation of the Field Training Agreement, and only to persons having responsibilities under the Agreement.

**END OF SECTION**

(February 6, 2017)

10-1

Policy #23A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 10: EDUCATION AND TRAINING**

**Summary:** This Section pertains to ASPIRE-TANF education and training including customized occupation classroom training, general skills training, and post-secondary education with the exception of 2 and 4 year degree programs. Two and four year degree programs are part of the Parents as Scholars program. This program is discussed in Section 16 of the ASPIRE-TANF Program Rules.

**I. GENERAL PROVISIONS**

- A. Based on Assessment, the Family Contract Amendment will reflect the participant's education and training needs, will include all necessary and available support services and will lead to sustainable employment.
- B. ASPIRE-TANF will pay for services necessary to complete the Family Contract Amendment only when those services cannot be funded from other sources and only as long as funding is available for those services. ASPIRE-TANF will purchase the least expensive quality service necessary to meet the participant's needs.
- C. When approved education and training programs are available at comparable quality and cost, including the cost of support services, and the implementation of the Family Contract Amendment would not be unreasonably delayed, the participant may choose to enroll in the program with the provider of the participant's choice. If the case manager and the participant cannot agree on that choice, then the decision will be made by the ASPIRE-TANF case manager, subject to fair hearing.
- D. The participant must have completed an ASPIRE-TANF Assessment, and a Family Contract Amendment prior to entering education and training.
- E. The participant must meet performance requirements as set forward in Section 3 (IV).

**II. TYPES OF EDUCATION**

- A. **Customized Occupation Classroom Training** - Training designed to meet a specific employer need, including classroom training and skills training at the work site.
- B. **Skills Training** - Courses or classes in which the participant receives instruction for specific skills. This type of training may be offered by adult education programs, secondary vocational education programs, employers or other agencies.
- C. **Certificate Programs** - One to two year programs consisting of technical courses leading to a certificate in a specific vocation.
- D. **5-Year Teaching Certificate** - An additional year of education required by an institution in order to receive State teaching certification. This is a non-degree activity.

*(III. PROCEDURES ON NEXT PAGE)*

(February 6, 2017)

10-2

Policy #23A

**III. PROCEDURES**

- A. Based on the participant's circumstances, ASPIRE-TANF will inform the participant of the requirements and deadlines relating to application for financial aid. ASPIRE-TANF will not provide any financial support for post-secondary education unless the participant has made a good faith effort to apply for available financial aid. In cases where a participant has defaulted on student loans and as a result has lost eligibility for a federal Pell Grant and a federal Supplemental Educational Opportunity Grant (SEOG), ASPIRE-TANF will provide financial support for education and training activities only when the individual makes all reasonable attempts to resolve the outstanding default with the institution.
- B. ASPIRE-TANF staff and the participant will complete and sign a Family Contract Amendment and a Training Agreement. Individual performance standards may be added to the Training Agreement. The participant will receive a copy of both documents.
- C. After each training semester, or equivalent, the participant and ASPIRE-TANF will review the performance standards. In order to continue ASPIRE-TANF support for the education or training activity, the terms and conditions set forth in the Family Contract Amendment and the Training Agreement must be met unless Good Cause exists for failure to comply.
- D. The participant must make satisfactory progress as defined in Section 3(III).
- E. ASPIRE-TANF will support a participant's enrollment in a summer session program for which there is limited or no financial aid (Pell Grants, etc.), other than loans, providing the participant has made application for any financial aid and the summer session will reduce the time the participant would otherwise spend to complete the education or training program.
- F. ASPIRE-TANF will not support graduate level programs, unless the participant is taking a course or courses in order to renew a professional license or certificate necessary to obtain or maintain employment. Completion of the required course or courses must be expected within six months of the course(s) start date.
- G. ASPIRE-TANF will support a participant's attendance at education or training out-of-state only when comparable training is not available in-state or the commuting distance to the out-of-state training, as well as quality and costs (including all support services), of attending the out-of-state training are equal to or less than a comparable in-state program.
- H. ASPIRE-TANF will support online post-secondary course programs only when the quality and cost is equal to comparable training programs.
- I. In cases where the participant has a post-secondary degree or a marketable skill when beginning participation with ASPIRE-TANF, all possibilities of utilizing the existing degree or marketable skill for employability will be exhausted before consideration is given to authorizing approval for additional education or training. (Note: The Parents as Scholars Program has specific entrance requirements; see Section 16 for details.)

***(III.J. PROCEDURES CONTINUES ON NEXT PAGE)***



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(February 6, 2017)

10-3

Policy #23A

***(III. PROCEDURES CONTINUED)***

- J. If the participant requests additional education or training beyond that which was originally approved by ASPIRE-TANF, ASPIRE-TANF will consider the following in making a decision to approve, or disapprove, additional education or training:
1. The participant's past performance in education or training activities;
  2. The participant's ability to obtain employment leading to self-support, with the degree or certificate obtained from the previously approved program (considering local labor market needs, and the participant's financial needs).

**END OF SECTION**

(February 6, 2017)

11-1

Policy #23A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 11: WORK ACTIVITY SERVICES**

**Summary:** This Section describes ASPIRE-TANF work activities which include MaineServe and Transitional Employment for Maine Parents (TEMP) and Providing Child Care services to an ASPIRE participant in a Community Service Program.

**I. GENERAL PROVISIONS**

- A. The purpose of MaineServe, TEMP, and Providing Child Care Services is to enhance job skills, meet federal TANF work requirements and provide recent employment references.
- B. Placement in permanent full-time employment will have priority over participation in MaineServe or TEMP or Providing Child Care Services.
- C. MaineServe and TEMP positions will be in public or private non-profit organizations.
- D. MaineServe positions shall be limited to projects which serve or support a useful public purpose such as education, urban and rural development, health, and social services.
- E. Neither MaineServe or TEMP placements will be provided to an agency where an organized union strike or walkout is occurring or other labor dispute is in progress.
- F. No organization, or agency in violation of local, State or Federal laws will be eligible for MaineServe or TEMP placements.
- G. The EEO and ADA policies of the prospective MaineServe or TEMP sites should be assessed to determine if the prospective site is in compliance with EEO and ADA regulations.
- H. The MaineServe or TEMP site agrees to maintain the confidentiality of any information regarding ASPIRE-TANF participants or their immediate families which may be obtained through interviews, tests, reports from public agencies or counselors, or any other source. Without the permission of the participant, such information shall be divulged only as necessary for purposes related to the performance or evaluation of the Work Site Agreement and to persons having responsibilities under the Agreement.
- I. The monthly maximum number of hours that can be required of a participant assigned to either MaineServe or TEMP is obtained by dividing the total of the TANF and Food Supplement (SNAP) benefit amounts by the current Maine minimum wage; fractional hours will be dropped. The monthly number of hours is then divided by 4.3 to arrive at a weekly figure and this number is written in the Family Contract Amendment as the maximum number of hours per week that will be required for participation in MaineServe or TEMP. If the total is less than the minimum number of hours required by Federal and/or State law, then the difference will be made up by involving the participant in non-work activities, such as skills training or remedial education. The maximum number of hours of participation in MaineServe or TEMP is subject to review and change as the TANF and Food Supplement (SNAP) benefit amounts change, and should be addressed whenever new Family Contract Amendments are written.

***(I. GENERAL PROVISIONS CONTINUES NEXT PAGE)***

(September 1, 2020)

11-2

Policy #26A

*(I. GENERAL PROVISIONS CONTINUED)*

- J. After six (6) months, TEMP positions will be reassessed to determine whether the placement continues to be viable for the participant. If it is determined to be appropriate, the TEMP position may be renewed.
- K. At the end of nine (9) months, the MaineServe volunteer and the ASPIRE-TANF case manager shall evaluate the MaineServe placement. If it is determined to be appropriate, the MaineServe placement may be renewed.
- L. ASPIRE-TANF will not provide funds to a MaineServe or TEMP placement site for a MaineServe or TEMP placement.
- M. Any mandatory ASPIRE-TANF participant who has completed training and job search but has not obtained a permanent job must participate in either TEMP or MaineServe.
- N. Any voluntary ASPIRE-TANF participant may choose to participate in MaineServe or TEMP.
- O. ASPIRE-TANF will provide the necessary support services in accordance with Section 15 in order for the participant to complete the MaineServe or TEMP placement.
- P. A Family Contract Amendment will be developed that will reflect the MaineServe or TEMP activity, the participant's requirements and will include the services needed by the participant to succeed in the placement.

**II. MaineServe**

- A. MaineServe is a temporary volunteer work experience position designed to provide parents who are eligible for TANF opportunities to serve their communities and the State, develop employability skills and meet mandatory work requirements.
- B. **Eligibility:** Any ASPIRE-TANF participant over 16 years of age is eligible to volunteer for MaineServe, except that any person under 20 years of age who has not completed high school or its equivalent must also participate in an educational activity designed to complete high school education.
- C. **Duration of service:** MaineServe volunteers may serve up to nine (9) months. At the end of the service period, the MaineServe volunteer and the ASPIRE-TANF case manager shall evaluate the MaineServe placement. If the case manager determines that the service is appropriate, the MaineServe volunteer may renew the placement within MaineServe.

*(III. TEMP NEXT PAGE)*

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(February 6, 2017)

11-3

Policy #23A

**III. TRANSITIONAL EMPLOYMENT FOR MAINE PARENTS (TEMP)**

- A. TEMP is a temporary volunteer work experience position designed to provide parents who are eligible for TANF opportunities to learn job skills, gain work experience, meet mandatory TANF work requirements and earn referrals for future employment.
- B. TEMP participants will not receive work or training reimbursements for voluntary work performed.
- C. ASPIRE-TANF will assist in the development of a placement site which will match the participant's abilities, work history and employment goal, to the extent possible, within a reasonable distance from the participant's location and program resources.

**IV. PROVIDING CHILD CARE SERVICES TO ENABLE ANOTHER PARTICIPANT TO PARTICIPATE IN COMMUNITY SERVICE**

- A. An individual may provide Child Care Services to enable another TANF recipient to participate in a community service program (MaineServe or TEMP).
- B. In a two-parent household, one parent may not meet his or her participation requirement by providing care to children in the household while the other parent participates in community service.

**END OF SECTION**

(February 6, 2017)

12-1

Policy #23A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 12: JOB SEARCH ACTIVITIES**

**Summary:** This Section describes ASPIRE-TANF job search services which include self-directed, individual and group job search, and job development and placement.

**I. GENERAL PROVISIONS**

- A. TANF recipients who are able to work any number of hours, must participate in individual or group job search activities (depending on the needs and resources of ASPIRE-TANF ) during the work evaluation phase of involvement with ASPIRE-TANF. This “up-front” job search is limited to a maximum of six (6) weeks.
- B. ASPIRE-TANF participants who have completed the agreed-upon training necessary for his or her employment goals, will also be required to participate in a job search activity as a primary activity for a maximum of six (6) weeks. If, after six (6) weeks of a job search, employment is not achieved ASPIRE-TANF participants are expected to continuously job search as a subsequent activity as agreed upon in their Family Contract Amendment.
- C. A Family Contract Amendment must include the participant's job search activity and the necessary support services in accordance with Section 14 in order for the participant to complete the job search activity.
- D. When approved job search services are available at comparable quality and cost, including the cost of support services, and the implementation of the Family Contract Amendment would not be unreasonably delayed, the participant may choose to receive services from the provider of the participant's choice. If the ASPIRE-TANF case manager and the participant cannot mutually agree on that choice, then the decision will be made by the ASPIRE-TANF case manager, subject to fair hearing.
- F. A Job Contact Log will be required by all participants in a job search activity (including self-directed). A reasonable number of employer contacts per week, given the local labor market conditions, will be established prior to the beginning of Job Search. The number of expected weekly contacts will be included in the participant’s Family Contract Amendment. The ability to amend this contact log when necessary is subject to approval by ASPIRE-TANF staff. The ASPIRE-TANF unit will monitor employer contacts reported by participants.

***(II. TYPES OF JOB SEARCH ACTIVITIES ON NEXT PAGE)***

(February 6, 2017)

12-2

Policy #23A

**II. TYPES OF JOB SEARCH ACTIVITIES****A. Self-Directed**

1. A participant who completes a training program at a post-secondary institution where the institution provides job placement services may utilize that placement service for up to six (6) weeks beginning with the date the ASPIRE-TANF case manager approves the plan.

**B. Individual Job Search**

1. In remote areas of the State or in circumstances where delivering group job search is not feasible, individual job search will be available to participants. This consists of one-on-one instruction by ASPIRE-TANF or its contractor, or other designated agency, and may be available online. The instruction may include the following components: goal setting; completing applications and resumes; techniques for canvassing and contacting employers; information on the kinds of jobs that are available (including the "hidden" labor market); interviewing techniques and follow-up; and employment retention.
2. During instruction and upon completion of instruction, the participant will contact a reasonable number of employer contacts per week given the local labor market condition. This will be established prior to the beginning of Job Search with the ability to amend when necessary. Participants will provide ASPIRE-TANF with a Job Contact Log at least monthly.
3. ASPIRE-TANF may contact any employer listed on the Job Contact Log to verify the information provided by the participant.

**C. Group Job Search**

1. Group Job Search consists of intensive job seeking skill training and peer support development. Topics may include: goal setting, completing applications and resumes; techniques for canvassing and contacting employers; information on the kinds of jobs that are available (including the "hidden" labor market), interviewing techniques and follow-up and employment retention. Following the instruction, participants will implement the training, share job seeking experiences and provide mutual support. Participants will have access to telephones, a photocopying machine, computers, facsimile machines, etc. in order to complete the job search.
2. During the employer contact phase, participants will maintain a Job Contact Log. ASPIRE-TANF may verify any employer information listed on the log.

***(II. TYPES OF JOB SEARCH ACTIVITIES CONTINUES ON NEXT PAGE)***

(February 6, 2017)

12-3

Policy #23A

***(II. TYPES OF JOB SEARCH ACTIVITIES CONTINUED)*****D. JOB DEVELOPMENT AND PLACEMENT**

1. Job Development – ASPIRE-TANF will provide individualized services to match job openings to the particular skills and abilities of participants. These services include identifying existing available jobs; providing employer outreach; supporting employment opportunities that match participant interests or abilities; and assisting participants in this activity.
2. Job Placement and Retention – Services that will allow participants to obtain, and retain, employment. Such services include, but are not limited to, coordinating mentors, job coaches or situational assessments, and dealing with economic factors (including household budgeting) that will encourage job retention. These services are targeted to those individuals who need more intensive assistance than is usually available through the program. Retention services will target at a minimum the first ninety (90) days of employment.

**END OF SECTION**

(February 6, 2017)

13-1

Policy #23A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 13: EMPLOYMENT**

**Summary:** This Section describes ASPIRE-TANF types of employment which include ASPIRE-PLUS (also known as On-The-Job Training) Self-Employment, Apprenticeship, Non-traditional Employment, full and part-time employment and Dislocated Employee Grievance Procedures.

**I. GENERAL PROVISIONS**

- A. Based on the work evaluation, a Family Contract Amendment will be developed which will reflect the participant's employment service needs and will include necessary and available support services.
- B. ASPIRE-TANF will pay for services necessary to complete the Family Contract Amendment only when those services cannot be funded from other sources and only as long as funding is available for those services. ASPIRE-TANF will purchase the least expensive quality service necessary to meet the participant's needs.
- C. ASPIRE-TANF will provide participants with information on post-employment services provided by the Department of Health and Human Services.

**II. TYPES OF EMPLOYMENT SERVICES**

- A. **ASPIRE-PLUS** (also known as On-The-Job Training, or OJT) - Occupational skills training provided by an employer to a trainee while the trainee is engaged in productive work resulting in the development of knowledge, skills and abilities essential to the adequate performance of a job. OJT is a "hire first" activity. The trainee is a bona fide employee who is afforded the same wages, benefits and rights as those who are similarly employed by that employer. Retention in unsubsidized employment is expected. Details of the wage reimbursement and other conditions are set forth in III. A. of this section.
- B. **Apprenticeship** - Occupational skills training provided on site by an employer to a trainee while the trainee is engaged in productive work and academic studies in subjects related to the trade, both resulting in knowledge, skills and abilities essential to the adequate performance of a job. ASPIRE-TANF will work cooperatively with the Department of Labor, Bureau of Employment Services, to encourage the development of apprenticeships.
- C. **Self-Employment** - Involvement in an enterprise where the participant has direct control over the type and amount of service or product produced. ASPIRE-TANF will provide information so that participants interested in self-employment may explore that option.
- D. **Non-traditional Employment** - Employment in occupations or fields of work where women (or men) comprise less than 25 percent of the individuals employed in such occupations or fields of work.
- E. **Full-Time Employment** - working in a position for 30 or more hours per week, with a wage of at least Maine's minimum wage per hour.

*(III. PROCEDURES NEXT PAGE)*



(February 6, 2017)

13-2

Policy #23A

### III. PROCEDURES

#### A. ASPIRE-PLUS (On-The-Job Training) Procedures

In addition to all contractual standards otherwise required by state law, ASPIRE-TANF will adhere to the following procedures in developing and implementing ASPIRE-PLUS (OJT):

1. All ASPIRE-PLUS contracts are to be negotiated on an individual basis taking into account the participant's and employer's needs.
2. No contract may be written for an occupation for which the participant has related education, training and experience, which fully qualifies her for that occupation.
3. The rate of reimbursement shall not exceed an average of 50 percent of the wages (not benefits) paid to the trainee during the contract period. Reimbursement rates may be below the 50 percent average if the participant has documented competency to perform specific tasks, or vocational aptitudes or abilities within a specific occupation, but is not fully qualified. Reimbursements may only be for actual time worked by the trainee.
4. The training length will be determined by using the Dictionary of Occupational Titles, Standard Vocational Training Code, except that no contract will be less than four (4) weeks nor longer than twenty-six (26) weeks in duration.
5. ASPIRE-TANF will use a standard ASPIRE-PLUS (OJT) contract document which incorporates the payment schedules, job description and terms and conditions therein by reference.
6. The trainee in ASPIRE-PLUS will be considered to be in employment and not in training, and therefore will be eligible for support services as would any employed participant. This would include employment support services and/or transitional services as appropriate and in accordance with ASPIRE-TANF and TANF eligibility rules.
7. Satisfactory progress will be documented by an employee appraisal conducted by the employer at the half-way point of the contract. If the employer states that the participant is not making satisfactory progress, ASPIRE-TANF will counsel and advise the employee to help improve performance.
8. The employer must notify ASPIRE-TANF of any employee problems which could eventually lead to dismissal. ASPIRE-TANF will counsel and advise the employee on how to resolve the problems, but it shall not interfere with the employer/employee relationship.
9. ASPIRE-PLUS participants must receive a copy of the training outline and/or job description.
10. ASPIRE-PLUS contracts must be monitored in accordance with the standard schedules and requirements of these rules.

***(III.A. ASPIRE-PLUS (ON-THE-JOB TRAINING) PROCEDURES CONTINUES ON THE NEXT PAGE.)***

(February 6, 2017)

13-3

Policy #23A

**(III.A. PROCEDURES-ASPIRE-PLUS (ON-THE-JOB TRAINING) PROCEDURES CONT.)**

11. In no case will the ASPIRE-PLUS wage be less than the State's minimum wage.
12. No ASPIRE-PLUS Contract will be written that results in displacement or partial displacement (including reduction of hours, wages and benefits) of currently employed workers, nor shall an ASPIRE-PLUS contract be written for a position where any worker is on layoff from the same or a substantially equivalent job, or for a job from which a worker has been bumped and has recall rights.
13. No ASPIRE-PLUS Contract can be written for positions that are intermittent, seasonal or solely commission-based.
14. No firm or industry in violation of local, State or Federal laws will be eligible for an ASPIRE-PLUS contract.
15. The *Equal Employment Opportunity (EEO)* and *Americans with Disabilities Act (ADA)* policies of the prospective ASPIRE-PLUS employer should be assessed to determine if the training will be conducted in a responsive setting and the prospective employer is in compliance with EEO and ADA regulations.
16. The ASPIRE-PLUS employer will agree to maintain the confidentiality of any information regarding ASPIRE-TANF participants or their immediate families which may be obtained through employee forms, interviews, tests, reports from public agencies or counselors, or any other source. Without the permission of the participant, such information shall be divulged only as necessary for purposes related to the performance or evaluation of the contract and to persons having responsibilities under the contract.

**B. Apprenticeship Procedures**

For ASPIRE-TANF participants who choose occupations that are apprenticeable, ASPIRE-TANF will advocate with Department of Labor's Bureau of Employment Services to obtain an apprenticeship. The Department of Labor's rules and regulations regarding apprenticeship will apply.

**C. Self-Employment Procedures**

An assessment will be done by the ASPIRE-TANF case manager initially to determine the fiscal viability of the self-employment business. A referral to a business counseling service, using the vocational evaluation criteria found in section 14, II. N. if payment for services is required, may be made at that time to provide information to the case manager that will enable ASPIRE-TANF to support (or not support, as the case may be) the self-employment enterprise. In order for the self-employment to be considered full-time for purposes of participation in approved ASPIRE-TANF work activities, the participant must be working in the self-employment enterprise for a minimum of thirty (30) hours a week. The *Deficit Reduction Act of 2005* states that the only hours of participation of self-employment that can be reported are determined by dividing "Gross income minus business expenses by minimum wage". It is the expectation that participants work on their self-employment venture a minimum of 30 hours a week, regardless of the hours that can be reported. The number of "activity" hours will be included in the participant's FCA.

**(III.C. SELF-EMPLOYMENT PROCEDURES CONTINUES ON THE NEXT PAGE)**

(February 6, 2017)

13-4

Policy #23A

***(III.C. SELF-EMPLOYMENT PROCEDURES CONTINUED)***

After the self-employment business has been in operation for six months, it is expected that the business be making a net profit equal to 30 hours per week at the current Federal minimum wage. If the participant's self-employment activity does not meet this criteria, then the participant may be referred to appropriate business counseling services in order to work on, and correct, deficiencies in the business plan, and to improve the chances of success for the business. If the business plan is determined by the business counseling service to not be realistic or financially viable, ASPIRE-TANF will require the participant to be involved in another approved activity for the required number of hours of participation per week. If the business plan is approved by the counseling service there will be a review of the business in six months. If the self-employment enterprise is not making a net profit equal to 30 hours per week at the current Federal minimum wage, then said self-employment business will be determined to not be a viable business, and the participant will be required to participate in another approved ASPIRE-TANF activity in order to meet the requisite number of hours.

Verification of the income received by the business will be accomplished by the participant providing relevant business records, such as tax filing forms and monthly profit/loss statements, to ASPIRE-TANF for use in determining the financial status of the business.

ASPIRE-TANF will adhere to the following procedures in assisting participants with self-employment:

1. ASPIRE-TANF will provide participants the necessary support services in accordance with Section 14 of this manual to engage in self-employment if the following criteria are met:
  - a. The participant has a business plan approved by a business counselor who agrees the business has a reasonable chance of success;
  - b. The participant is engaged in the self-employment enterprise a minimum of 30 hours a week; and
  - c. The compensation from the self-employment enterprise must equal Federal minimum wage times 30 hours a week (net profit) by the time the business has been in operation for 12 months.
2. If the participant is referred to a business counselor and refuses to obtain the information or attend training needed to obtain the information, ASPIRE-TANF will not support the self-employment venture and will require the participant to set another viable employment goal and participate in another work activity.

***(III.D. PROCEDURES CONTINUES ON NEXT PAGE)***

(February 6, 2017)

13-5

Policy #23A

***(III. PROCEDURES CONTINUED)*****D. Non-traditional Employment Procedures**

ASPIRE-TANF will adhere to the following procedures in assisting participants with nontraditional employment:

1. ASPIRE-TANF will make available to participants information regarding the advantages of nontraditional occupations.
2. For participants who are interested in nontraditional employment, ASPIRE-TANF will provide the necessary program services.

**E. Suitable Employment**

The criteria for suitable employment applies to all types of employment, both full and part-time. The criteria is as follows:

1. The employment is within the scope of the participant's Family Contract Amendment;
2. The employment pays at least the Maine minimum wage;
3. The employment results in the participant's family experiencing no net loss of cash income;
4. The daily hours of work and the weekly hours of work do not exceed those customary to the occupation;
5. The employment is not dangerous to health or safety of the participant;
6. Daily commuting time does not exceed a two hour round trip commute;
7. The participant is physically and/or mentally able to do the job;
8. The participant is not required to join or quit a union;
9. There is not a legal strike or lock-out or other bona fide labor dispute at the work site;
10. The job or work hours do not interfere with the participant's religious beliefs;
11. Child care resources necessary for participation in employment are available; and
12. The employment offered does not interrupt a program in progress under an approved Family Contract Amendment.

***(IV. DISPLACED EMPLOYEE GRIEVANCES CONTINUES ON NEXT PAGE)***

(February 6, 2017)

13-6

Policy #23A

**IV. DISPLACED EMPLOYEE GRIEVANCES**

- A. Permanent employees of a business or organization where an ASPIRE-TANF participant has been placed in ASPIRE-PLUS, TEMP or Field Training who feel they have been unlawfully displaced by that participant shall have a right to conciliation and grievance proceedings.
- B. An employee claiming displacement is limited to the following circumstances:
1. A reduction in hours of non-overtime wages or employee benefits;
  2. Impairment of contracts for services or bargaining agreements;
  3. Filling of a position by an ASPIRE-TANF participant when any other person is on layoff from that position or a substantially equivalent position within the same business or organization;
  4. Infringement of promotional opportunities; or
  5. Filling of a previously unfilled vacancy by an ASPIRE-TANF participant while there is an employee of the organization who is qualified for, and has expressed interest, in the position.
- C. A request for a dispute resolution must be filed in writing with the Department of Health and Human Services' Office of Administrative Hearings, State House Station #11, Augusta, Maine 04333, within thirty (30) days of the employee discovering he/she has allegedly been displaced and the ASPIRE-TANF participant is still at the employee's place of employment.
- The request must include:
1. The name, address and telephone number of the employee;
  2. The name of the employee's supervisor;
  3. The name, address and telephone number of the business;
  4. The name of the business owner or supervisor;
  5. The division/location where the employee works;
  6. The employee's job title and job classification;
  7. The name of the ASPIRE-TANF participant who has allegedly displaced the employee; and
  8. The reason the employee feels that he/she has been displaced.
- D. The Department of Health and Human Services' Office of Administrative Hearings will, within 20 days of receipt of the request, schedule in writing a Fair Hearing with the following parties.
1. ASPIRE-TANF Program Manager;
  2. OFI Regional Program Administrator;

***(IV.D.3 DISPLACED EMPLOYEE GRIEVANCES CONTINUES ON NEXT PAGE)***

(February 6, 2017)

13-7

Policy #23A

***(IV.D. DISPLACED EMPLOYEE GRIEVANCES CONTINUED)***

3. ASPIRE-TANF Unit Supervisor;
  4. Displaced Employee; and
  5. Other appropriate individuals as determined by the DHHS' Office of Administrative Hearings.
- E. The DHHS' Office of Administrative Hearings will notify all parties to the dispute of the following:
1. The time, place and date of the hearing;
  2. The name, business, address, employment information about the grieving employee;
  3. The nature of the alleged grievance;
  4. The citation of the Federal regulations governing the hearing;
  5. The relief that may be granted by the presiding Officer;
  6. The rights of all parties;
  7. A Statement that the presiding Officer shall attempt to mediate a settlement between the parties without resulting to a Hearing with a warning that the parties should be prepared to proceed to a formal Hearing; and
  8. A notice of the rights of the parties to appeal to the U.S. Department of Labor.
- F. On the date of the Conciliation, the presiding Officer will attempt to mediate the dispute without resorting to a formal Fair Hearing. If the presiding Officer determines that no resolution can be reached, a formal Fair Hearing will be opened.
- G. The proceedings may be dismissed if the ASPIRE-TANF participant is no longer placed at the business or organization at the time of Conciliation.
- H. The employee has the burden of proving that he/she has been displaced. The standard of proof shall be clear and convincing evidence.
- I. Parties of a Displaced Employee Grievance have the following rights:
1. Timely and adequate notice of the proceedings;
  2. An opportunity to present evidence and witnesses;
  3. An opportunity to challenge evidence and cross-examine witnesses;
  4. An opportunity to be represented by another person;
  5. The right to subpoena witnesses as in a Civil Procedure;
  6. A decision based on the Conciliation and/or Hearing record;
  7. A prohibition on "Ex parte Contracts"; and
  8. A decision from the Conciliation and/or Hearing within ninety (90) days of the closing of the record.

***(IV. DISPLACED EMPLOYEE GRIEVANCES CONTINUED ON NEXT PAGE)***

(February 6, 2017)

13-8

Policy #23A

***(IV. DISPLACED EMPLOYEE GRIEVANCES CONTINUED)***

- J. If any party to the proceedings is dissatisfied with the decision, they may appeal the decision within twenty (20) days of receipt of the State's written decision to:

Office of Administrative Law Judges

U.S. Department of Labor

Vanguard Building, Room 600

1111 20th Street, NW

Washington, D.C. 20036

With copies of the appeal sent to:

Assistant Secretary of Family Support

U.S. Department of Health and Human Services

370 L'Enfant Promenade, SW 6th Floor

Washington, D.C. 20447

and

Assistant Secretary of Employment and Training

U.S. Department of Labor

200 Constitution Avenue, NW

Washington, D.C. 20210

- K. The appeal must contain:
1. The full name, address and telephone number of the appellant;
  2. The provision of the *Social Security Act* or regulations believed to have been violated;
  3. A copy of the original complaint filed with the State; and
  4. A copy of the State's findings and decision regarding the appellant's complaint.

**END OF SECTION**

(February 6, 2017)

14-1

Policy #23A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 14: SUPPORT SERVICE BENEFITS AND PAYMENT PROVISIONS**

**Summary:** This section describes support service benefits provided to enable participants to complete the Family Contract Amendment and provisions for payment by ASPIRE-TANF.

**I. GENERAL PROVISIONS**

- A. Support service benefits such as child care, transportation and other services directly related to education, training, job search, work component activities and employment services are necessary for participants to complete the Family Contract Amendment and obtain employment.
- B. ASPIRE-TANF will provide funding for support services which are necessary to complete the Family Contract Amendment, including any assessments, only when funding for such services is not available from other sources, and only as long as ASPIRE-TANF funding is available for needed services.
- C. ASPIRE-TANF will provide support service benefits for the least expensive service providing that service is of acceptable quality as determined by ASPIRE-TANF.
- D. The participant will be responsible and accountable for the appropriate use of service benefits as outlined in the Family Contract Amendment. Any documented and substantiated misuse of service benefits, purchased goods and/or services by a participant will be grounds for the termination of a current Family Contract Amendment, and repayment or other suitable recovery procedure will be instituted unless there is Good Cause. (Refer to Section 4, VII. for Overpayment Procedures).
- E. The amount for support service benefits will be limited. Specific caps on support services are included in their descriptions in Section 14. II.
- F. The term "period of enrollment" used in this chapter is defined as that period beginning with the opening of activity with the ASPIRE-TANF program, until participation with ASPIRE-TANF is ended (unless closure is due to a sanction).
- G. When payment is made directly to a participant for a support service, a paid receipt must be provided to ASPIRE within two calendar weeks of the receipt of the benefit. If no receipt is provided or the amount on the receipt is less than the support service benefit, an overpayment will be established (Refer to Section 4, VII. for Overpayment Procedures.) . Mileage reimbursement is excluded from this requirement.

***(II. SUPPORT SERVICE BENEFITS, PAYMENT PROVISIONS AND PROCEDURES CONTINUES  
ON NEXT PAGE)***



(February 6, 2017)

14-2

Policy #23A

**II. SUPPORT SERVICE BENEFITS, PAYMENT PROVISIONS AND PROCEDURES****A. Childcare**

ASPIRE-TANF will provide a (TANF) benefit for childcare (exception: see number 6 below) for children who are included on the TANF grant and who are under the age of thirteen (13); or physically or mentally incapable of caring for themselves (as certified by a physician or licensed psychologist); or under court supervision; or who would be dependent except for the receipt of Supplemental Security Income or because they are in foster care. A (TANF) benefit for childcare may be provided for a participant to complete the Assessment or to complete the requirements of a Family Contract Amendment. ASPIRE-TANF, in situations that are not included above but are recognized to exist and are authorized by regional ASPIRE-TANF management, will provide a (TANF) benefit for childcare when it is required for a participant to complete the requirements of a Family Contract Amendment.

No participant will be required to engage in ASPIRE-TANF activities unless that person has suitable child care. ASPIRE-TANF will expect the participant to choose the children's care arrangements, but will help participants who need assistance in securing child care. ASPIRE-TANF must approve child care providers who are not licensed or registered by the State prior to making payment. All adults living in or frequenting the location the child care is to be provided must be approved. Such approval will consist, at a minimum, of a check for prior or present involvement with child protective services, and other approval processes (such as a home visit or Department of Motor Vehicle and State Bureau of Identification checks) as may be deemed necessary on a case-by-case basis. Other provisions pertaining to child care are as follows:

1. ASPIRE-TANF will provide a (TANF) benefit for child care at a rate equal to the actual cost or child care Market Rate cap, set by the Department's Office of Child and Family Services, Early Childhood Division, whichever is less.
2. Market Rate Cap charts are available through OFI offices.
3. ASPIRE-TANF will provide a benefit for child care in excess of the Market Rate Cap for special needs children on a case-by-case basis.
4. ASPIRE-TANF will not provide a quality stipend for children enrolled in centers or homes participating in the Maine Child Care Quality Rating System.
5. ASPIRE-TANF will not provide child care benefits to providers who are living in the participant's household. (Exceptions may be made with supervisory approval when it is determined this service is necessary for a participant to comply with his or her Family Contract Amendment.)
6. ASPIRE-TANF will not provide a child care benefit to a participant who is receiving a child care deduction in the determination of the TANF grant amount. ASPIRE-TANF will discuss with the participant the options, to determine the best course of action, as to whether ASPIRE-TANF will provide a child care benefit or the participant will use the child care disregard in the computation of the participant's TANF benefit. ASPIRE-TANF can pay the cost of child care that exceeds the TANF child care disregard, if this is in the best interests of the participant and the ASPIRE-TANF program.

***(II.B. SUPPORT SERVICE BENEFITS, PAYMENT PROVISIONS AND PROCEDURES CONTINUES ON NEXT PAGE)***

(September 1, 2020)

14-3

Policy #26A

***(II. SUPPORT SERVICE BENEFITS, PAYMENT PROVISIONS AND PROCEDURES CONT.)***

- B. **Transportation** - ASPIRE-TANF will pay for the reasonable cost of transportation necessary for the participant to engage in scheduled activities prescribed in the Family Contract Amendment. Transportation reimbursement is limited to forty-five cents per mile (\$.45) and a weekly cap of one hundred and forty dollars (\$140). (Exception: ASPIRE participants who are disabled and who operate their own personal wheelchair lift or other specially-equipped vehicle during the course of participating in activities outlined in the Family Contract Amendment may receive a mileage reimbursement rate of fifty-five cents per mile (\$.55).

The following provisions apply:

1. ASPIRE-TANF will pay for the least expensive mode of transportation that will effectively enable the participant to engage in activities required for ASPIRE-TANF engagement or prescribed in the Family Contract Amendment. ASPIRE-TANF will make the final determination regarding mode of transportation after considering such factors as scheduling of Family Contract Amendment activities. The selected transportation mode(s) will be defined in the Family Contract Amendment.
2. Payment for public transportation services, where reasonably available, will be provided via ASPIRE-TANF ticket purchases.
3. Car pool drivers will be reimbursed for the most direct route, including stops at child care providers, at the rate of \$.45 cents per mile plus \$2.00 per day per ASPIRE-TANF participant transported (excluding the driver).
4. Taxi fare will be paid, but only as a temporary measure while more permanent and less expensive transportation modes are secured, unless it proves to be the least expensive mode of transportation.
5. ASPIRE-TANF will reimburse a properly licensed participant using a properly registered private vehicle at the rate of \$.45 cents per mile for the most direct routes to and from activities required for ASPIRE-TANF engagement or are prescribed in the Family Contract Amendment including trips to a child-care provider. Other provisions regarding use of a private vehicle are as follows:

The \$.45 cents per mile shall be used to cover all costs of maintaining the vehicle including gasoline, maintenance and repairs, license and registration fees, insurance, tows and parking fees.

***(II.C. SUPPORT SERVICE BENEFITS, PAYMENT PROVISIONS AND PROCEDURES CONTINUES ON NEXT PAGE)***

(September 1, 2020)

14-4

Policy #26A

***(II. SUPPORT SERVICE BENEFITS, PAYMENT PROVISIONS AND PROCEDURES CONT.)***

- C. **Auto Repairs** - In addition to reimbursing \$.45 cents per mile, ASPIRE-TANF will pay a maximum of \$1,000 per participant per calendar year on the vehicle used by the participant while engaged in activities as specified in the current Family Contract Amendment. Under no circumstances will any part of the \$1,000 carry-over from one calendar year to another - any unused portion will lapse at the end of each calendar year. The vehicle's value, overall mechanical condition and other pertinent factors will be used by the case manager to determine whether payment for vehicle repairs is warranted.
1. ASPIRE-TANF will only pay repairs on a vehicle that is registered to either the participant, the participant's spouse, or a TANF parent or specified relative who resides in the home and would be included in the TANF grant if otherwise eligible who has a valid license to operate a motor vehicle in Maine.
  2. Repair costs shall be approved in advance of the actual service except in the case of an emergency which may be approved by ASPIRE-TANF following the emergency. The participant will be required to provide to ASPIRE-TANF an estimate and evidence of the need for the repair signed by a licensed inspection mechanic. The actual repair may be performed by a qualified person of the participant's choice.
  3. In an emergency when a repair and/or tow is needed in order to make the vehicle functional, and ASPIRE-TANF cannot be reached for approval, the participant may have such repairs performed and request approval from ASPIRE-TANF within one week.
  4. Payment of approved repair costs to a vendor will be made only following submission of an itemized, original bill. When payment is made to a participant, a paid receipt must be returned to ASPIRE within two calendar weeks of the receipt of the benefit. If no receipt is provided or the amount on the receipt is less than the support service benefit, an overpayment will be established. (Refer to Section 4, VII. for Overpayment Procedures.)
- D. **Auto Liability Insurance** - ASPIRE-TANF will pay the cost of the minimum liability insurance required by Maine law up to a maximum of \$600 per calendar year, commencing with paid mileage necessary to complete the Family Contract Amendment, for a vehicle registered to and solely operated by the participant. The participant must have a valid license to operate a motor vehicle in Maine. In instances where a vehicle used by the participant is co-registered with another person or used by another person, ASPIRE-TANF will only pay that portion of the premium which is attributable to the participant. ASPIRE-TANF will pay premiums in the most cost-effective manner possible, but will not pay premiums for extended periods when the participant is not actively engaged in prescribed Family Contract Amendment activities. When payment is made to a participant for auto liability insurance, a paid receipt must be provided to ASPIRE within two calendar weeks of the receipt of the benefit. If no receipt is provided or the amount on the receipt is less than the support service benefit, an overpayment will be established. (Refer to Section 4, VII. for Overpayment Procedures.)

***(II.E. SUPPORT SERVICE BENEFITS, PAYMENT PROVISIONS AND PROCEDURES CONTINUES ON NEXT PAGE)***

(February 6, 2017)

14-5

Policy #23A

***(II. SUPPORT SERVICE BENEFITS, PAYMENT PROVISIONS AND PROCEDURES CONT.)***

- E. **Eye Care** - With prior approval, ASPIRE-TANF will pay the cost of eye care which is not covered by MaineCare or other sources and which is necessary for the participant to complete the Family Contract Amendment. Payment for eye care appliances will be for the least expensive quality option to correct the deficiency and will not exceed \$200 per calendar year. If a participant has a special vision condition requiring special lenses this rate may be exceeded to cover the least expensive quality option necessary to correct the condition upon verification of the need and cost in writing from an optometrist or ophthalmologist. When payment is made to a participant for eye care, a paid receipt must be provided to ASPIRE within two calendar weeks of the receipt of the benefit. If no receipt is provided or the amount on the receipt is less than the support service benefit, an overpayment will be established. (Refer to Section 4, VII. for Overpayment Procedures.)
- F. **Dental Care** - ASPIRE-TANF will pay the cost of dental care that is not covered by MaineCare and that is necessary to alleviate pain, or for the participant to be able to obtain employment. These payments will conform to MaineCare rates where such a rate is scheduled. If there is not a scheduled MaineCare rate, ASPIRE-TANF will pay for the least expensive quality dental service necessary to correct the condition upon receipt of verification of cost and need in writing from a dentist. ASPIRE-TANF will not pay for orthodontics. Dental care reimbursement is limited to \$2,000 per participant for the period of enrollment. Dental Care shall be paid directly to the vendor providing dental services. (Refer to Section 4, VII. for Overpayment Procedures.)
- G. **Education and Training Expenses** - ASPIRE-TANF will not provide funding for tuition and mandatory fees at a post-secondary institution unless:
1. The participant is unable to secure other educational funding needed to complete the participant's Family Contract Amendment due to:
    - a. Poor credit as determined by the educational funding source; or
    - b. The consideration by the educational funding source of resources from past years that are not actually available to the participant; or
  2. In the determination of the case manager, failure to pay the tuition or fees would result in higher ASPIRE-TANF Program costs to achieve the participant's approved goal; or
  3. In the determination of the ASPIRE-TANF Program Manager, failure to pay tuition or fees would otherwise be a substantial barrier to the participant obtaining his or her employment goal.
  4. When ASPIRE-TANF pays for these items a limit of up to \$3,500 per academic year for tuition and mandatory fees is in effect.
  5. Education and training expenses shall be paid directly to the vendor providing education and training services.

***(II.H. SUPPORT SERVICE BENEFITS, PAYMENT PROVISIONS AND PROCEDURES CONTINUES ON NEXT PAGE)***

(February 6, 2017)

14-6

Policy #23A

***(II. SUPPORT SERVICE BENEFITS, PAYMENT PROVISIONS AND PROCEDURES CONT.)***

- H. **Books and Supplies** - ASPIRE-TANF will provide up to \$1000 per academic year for required books and supplies, to the extent that the student does not have non-repayable financial aid (scholarships; grants) which, after paying tuition and fees, would be available to pay for books and supplies. Required books and supplies are books and supplies mandatory for everyone in the class. When payment is made to a participant for required books and supplies, a paid receipt must be provided to ASPIRE within two calendar weeks of the receipt of the benefit. If no receipt is provided or the amount on the receipt is less than the support service benefit, an overpayment will be established. (Refer to Section 4, VII. for Overpayment Procedures.)
- I. **Clothing and Uniforms** - ASPIRE-TANF will pay for clothing and uniforms in accordance with the following conditions providing prior approval is given and items have not already been purchased as part of training and financial aid funds:
1. Clothing required for performance of an occupation and/or to train for that occupation including uniforms, special work shoes or boots, gloves, etc.
  2. Clothing not specifically required for the occupation, but necessary for maintaining appropriate appearance in order to seek or maintain employment. ASPIRE will determine appropriate clothing to seek or maintain employment based on the participant's employment goals and Family Contract Amendment activities.
  3. Emergency clothing necessary to meet the participant's immediate needs such as a winter coat.
  4. Clothing and uniform reimbursement are limited to \$300 per calendar year.
  5. When payment is made to a participant for clothing and uniforms, a paid receipt must be provided to ASPIRE within two calendar weeks of the receipt of the benefit. If no receipt is provided or the amount on the receipt is less than the support service benefit, an overpayment will be established. (Refer to Section 4, VII. for Overpayment Procedures.)
- J. **Occupational Expenses** - ASPIRE-TANF will pay for tools and equipment necessary for the participant to perform an occupation (when the employer requires all employees to have such equipment and the employer does not purchase such equipment for any of these employees), or for material and equipment for a participant with an ASPIRE-TANF approved self-employment plan or occupational-related expenses such as licensing and certification fees, examination fees, etc. Occupational expenses are limited to \$500 per period of enrollment. When payment is made to a participant for occupational expenses, a paid receipt must be provided to ASPIRE within two calendar weeks of the receipt of the benefit. If no receipt is provided or the amount on the receipt is less than the support service benefit, an overpayment will be established. (Refer to Section 4, VII. for Overpayment Procedures.)

***(II.K. SUPPORT SERVICE BENEFITS, PAYMENT PROVISIONS AND PROCEDURES CONTINUES  
ON NEXT PAGE)***

(September 1, 2020)

14-7

Policy #23A

***(II. SUPPORT SERVICE BENEFITS, PAYMENT PROVISIONS AND PROCEDURES CONT.)***

- K. **Relocation Costs** - When it is necessary for the participant to relocate in order to participate in education or training or take employment which is part of the Family Contract Amendment but is not available in the area in which the participant resides, and the commutation to the education or training program or employment would be impractical due to excessive distance or other transportation difficulties, ASPIRE-TANF will pay costs of relocation up to a maximum of \$500 per period of enrollment. Included in this amount may be travel at the rate of \$.45 per mile, cost of transporting household goods, and any portion of the first month's rent which exceeds the monthly rent or mortgage the participant has been paying in her most recent housing arrangement, and any portion of a security deposit which exceeds the deposit returned from the most recent rent. When payment is made to a participant for relocation costs, a paid receipt must be provided to ASPIRE within two calendar weeks of the receipt of the benefit. If no receipt is provided or the amount on the receipt is less than the support service benefit, an overpayment will be established. (Refer to Section 4, VII. for Overpayment Procedures.)
- L. **Job Development** – ASPIRE-TANF may pay for job development services (on a fee-for-service basis) not to exceed \$800 per period of enrollment. See Section 12.II.D.1. for further information. This service cap does not apply to payments included in a statewide ASPIRE contract that provides job development services.
- M. **Job Placement and Retention** – ASPIRE-TANF will pay (on a fee-for-service basis) up to \$500 per period of enrollment for job placement and retention services. See Section 12.II.D.2. for further information on this. This service cap does not apply when a statewide contracted operator is providing job development services statewide to ASPIRE participants.
- N. **Vocational Evaluation and Related Services** - ASPIRE-TANF will pay (on a fee-for-service basis) up to \$2500 per calendar year per participant for a comprehensive vocational evaluation and services (such as an evaluation of physical/mental health issues that impact on employability) required as a result of the evaluation, in order to assist participants in becoming self-supporting. This is targeted to those participants who have been determined to have, or are suspected of having, multiple barriers to becoming employed, but can apply to any participant or group of participants in need of services unavailable through the Department of Health and Human Services or its designated contractor or agent. The hourly rate paid for these services should correspond as much as possible to rates paid by other State agencies for similar services, but it is not to exceed \$75 per hour.
- O. **Other** - If ASPIRE-TANF determines that the participant has other support service needs which are not otherwise specifically mentioned in this Section, but are necessary for the participant to complete the Family Contract Amendment, it may pay for the least expensive quality service necessary to meet the need, if the service cost cannot be paid from another source. "Other" support services are limited to \$500 per calendar year. When payment is made to a participant for other necessary expenses, a paid receipt must be provided to ASPIRE within two calendar weeks of the receipt of the benefit. If no receipt is provided or the amount on the receipt is less than the support service benefit, an overpayment will be established. (Refer to Section 4, VII. for Overpayment Procedures.)

***(II. SUPPORT SERVICE BENEFITS, PAYMENT PROVISIONS AND PROCEDURES CONT.)***

(February 6, 2017)

14-8

Policy #23A

***(II. SUPPORT SERVICE BENEFITS, PAYMENT PROVISIONS AND PROCEDURES CONT.)***

- P. **Return of Purchased Goods** - A participant who does not complete an education or training program, or who does not take employment for which books, tools or other materials or equipment have been purchased by ASPIRE-TANF must return those items to ASPIRE-TANF, if they can be used by other participants. Personal items such as dentures, eye glasses and clothing need not be returned.

**III. EMPLOYMENT SUPPORT SERVICES**

Support Services may be available anytime a Family Contract Amendment is active. Once a participant is determined to be ineligible for TANF due to income from employment, transitional services may be utilized in place of child care and transportation support services, as soon as they become available to the participant.

**IV. PROMPTNESS OF PAYMENT OF SUPPORT SERVICES**

Participants should be paid or reimbursed promptly by ASPIRE-TANF in order that the Family Contract Amendment is not unnecessarily interrupted. However, bills submitted more than 30 days after the service was provided will not have as high a priority, and may take longer to get paid, than those submitted within 30 days of the date of service. ASPIRE-TANF will assure promptness of payment as follows:

Participants submitting bills to ASPIRE-TANF for payment will be issued payment no later than fifteen (15) working days following the receipt of the bill at the ASPIRE-TANF office. This time limit applies to bills which do not contain errors. Payment for bills containing errors will be issued no later than fifteen (15) working days from the date the corrected bill is received by the regional ASPIRE-TANF office.

The Department of Health and Human Services, Office for Family Independence (OFI) will ensure that entities with which it contracts issue payments in accordance with time frames described in this section, and comply with all other provisions of this section as may be appropriate to fulfill its intent. OFI will monitor compliance and will enforce compliance when necessary.

**Emergency.** The Department shall maintain a system for providing emergency payments to ASPIRE participants and/or providers for supportive services which meets the following requirements:

- a. An emergency shall be defined as those circumstances in which “services are immediately necessary to enable the participant to participate in an approved education, training or employment plan,” 22 MRSA §3788(5), or circumstances in which the participant has not received payment in accordance with the 15 day promptness standard. Emergency circumstances shall not be limited to unforeseen circumstances.
- b. The invoice or bill in question must have been submitted correctly, as described above.

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(February 6, 2017)

14-9

Policy #23A

- c. Any participant or provider facing emergency circumstances who brings to the Department's attention the fact that they have an outstanding ASPIRE invoice shall receive relief within three working days in cases of emergency. Payment may be made by check, bank transfer, or any other reasonable method, at the discretion of the Department. If a physical check is to be issued, it must be generated within three days, and the recipient must be notified of the opportunity to collect it in person.
  - 1. No emergency procedures under this section need to be taken if support service payments have been approved at the time of the emergency request and if the payment will issue within following work week after the request.
- d. If a check has been issued but not yet received within three days of mailing, the Department may choose to issue a duplicate check, make an electronic deposit, or employ any other reasonable method of payment, at the Department's discretion. Any duplicate payment received must be returned or refunded, or be subject to offset.
- e. Any decision by Department staff not to issue an emergency payment under this section is subject to immediate review by the unit supervisor or Central Office.

**END OF SECTION**



(February 6, 2017)

15-1

Policy #23A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 15: REDUCTION OF ASPIRE-TANF SERVICES WHEN FUNDING IS INADEQUATE**

**Summary:** This Section sets forth procedures for reduction of ASPIRE-TANF services when it is determined by OFI that funding is inadequate to continue to maintain existing levels of services.

**I. GENERAL PROVISIONS**

- A. When State and/or Federal funding for the ASPIRE-TANF program is inadequate to maintain existing levels of service, service reduction will occur. Service reduction will be as equitable as possible and will apply statewide. Service reduction will apply if a participant is being served directly by OFI or by an agency contracting with OFI.
- B. ASPIRE-TANF will provide services as funding and staff distribution permits on a statewide basis to include both the major urban municipalities and rural areas.

**II. SERVICE REDUCTION DUE TO FUNDING INADEQUACY**

When OFI determines that there is a funding shortage which results in the need to reduce services, the following steps will be taken in the following order, depending on the severity of the funding shortage:

1. All Family Contract Amendments will be honored to their completion date. No new ASPIRE-TANF participants will be enrolled until the completion of existing Family Contract Amendments is assured.
2. Procedures in Step 1 will apply. In addition, no new Family Contract Amendment will be written for voluntary summer courses which can be taken during the regular academic year.
3. Procedures in Step 1 and 2 will apply. In addition, no new Family Contract Amendments will be written for the following pre-training activities: job-readiness training; employability counseling; and job readiness/personal responsibility training with the exception of programs for teen parents.
4. Procedures for Steps 1, 2, and 3 will apply. In addition, no new Family Contract Amendments will be written for the following pre-training activities: high school diploma programs; high school equivalency programs; and remedial education programs, with the exception of programs for teen parents.

***(II.A. SERVICE REDUCTION DUE TO FUNDING INADEQUACY CONTINUES ON  
NEXT PAGE)***

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(February 6, 2017)

15-2

Policy #23A

***(II.A. SERVICE REDUCTION DUE TO FUNDING INADEQUACY CONTINUED)***

5. Steps 1, 2, 3, and 4 will apply. In addition, in descending order, no new Family Contract Amendments will be written for the following types of education and training programs:
  - a. Programs which will require up to two years for the participant to complete.
  - b. All pre-training programs for teen parents except high school completion.
6. In the event of severe funding inadequacy, in which the above steps are not sufficient, all Family Contract Amendments will be immediately terminated.

**END OF SECTION**

(December 2017)

16-1

Policy #24A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 16: PARENTS AS SCHOLARS PROGRAM**

**Summary:** Parents as Scholars is a student aid program based on need, for up to 2000 participants, to aid needy students who have dependent children and who are matriculating in post-secondary undergraduate 2-year and 4-year degree-granting programs.

**I. AUTHORIZATION**

The Department is authorized to operate the Parents as Scholars Program by Maine law (22 M.R.S. Chapter 1054-B, §3790). PaS participants are subject to the 60-month lifetime limit.

**II. PHILOSOPHY**

The Parents as Scholars (PaS) Program is a tool to provide alternative means of achieving self-support for some parents. PaS allows participants to receive a package of financial aid, MaineCare and support services while attending, on a full-time basis (as defined by the educational institution), post-secondary undergraduate 2 and 4-year degree-granting programs. It is recognized as a student financial aid program, while still operating under the same rules as found in the ASPIRE-TANF Program.

**III. GENERAL PROVISIONS****A. Eligibility Criteria**

1. Individuals with marketable bachelor's degrees are ineligible for enrollment.
2. To the extent that program resources and space permit, enrollment in the program may be granted if the Assessment results in findings as follows:
  - a. That the individual does not possess the necessary skills to obtain employment that will enable the individual to support a family at 85% of the median family income in the State for a family of the same size;
  - b. That, considering potential employment opportunities and local labor market conditions, the post-secondary education sought by the individual will significantly improve the ability of the family to be self-supporting;
  - c. That the individual has the aptitude to complete the proposed post-secondary program successfully. Aptitude is determined on an individual basis, using Assessment procedures from Section 5 and all other relevant information to make an informed decision as to whether or not the individual can realistically succeed in the proposed post-secondary education program; and

*(III.A. GENERAL PROVISIONS CONTINUES ON NEXT PAGE)*

(December 2017)

16-2

Policy #24A

- d. That enrollment is for the pursuit of a degree or certification that is reasonably calculated to lead to a job with at least an average job outlook within the geographic region where the participant lives or plans to live.
3. To determine whether a PaS candidate's education path is so reasonably calculated, the Department will rely on the publicly available Maine workforce analysis completed by the Maine Department of Labor. For occupations with a lower than average job outlook within the geographic region where the participant lives or plans to live, educational plans require approval of the Commissioner or the Program Manager of the ASPIRE Program, acting as the Commissioner's designee.
    - a. An applicant who wishes to pursue training or education for an occupation in Maine that has a lower than average job outlook, according to the Department of Labor workforce analysis, may petition by letter to the Commissioner or the Program Manager. The documentation and/or letter of petition must show that the occupation offers high compensation and is in sufficient demand that the applicant is likely to find employment in the region where he or she lives. To make such a showing, the letter should include answers to the following questions:
      1. What is the desired job title and description of the job duties?
      2. What does the typical day on the job include/involve?
      3. What are the specific job requirements?
        - a. What is the required education level, work experience, and skills?
        - b. Are there physical requirements? If so, what are they?
        - c. What personal characteristics or attributes does someone need to be successful in this job?
        - d. What is the equipment needed to perform this job?
      4. How does one enter this career?
      5. Where would you find employment?
      6. What are the typical hours?
      7. How is income earned (i.e. hourly rate, commission, self-employment)?
      8. What is the likelihood for advancement? What are the steps required for advancement?
      9. What are the advantages/disadvantages in this job?
      10. What is the demand for people in this career?

***(III.B. GENERAL PROVISIONS CONTINUES ON NEXT PAGE)***

(February 6, 2017)

16-3

Policy #23A

***(III. GENERAL PROVISIONS CONTINUED)*****B. Participation Requirements**

- a. An enrollee must participate in a combination of education, training, study or work-site experience for an average of 20 hours per week in the first 24 months of the program.
- b. Aid under this program may continue beyond 24 months if the enrollee remains in an educational program and agrees to participate in either of the following options:
  - 1. Fifteen hours per week of work-site experience in addition to other education training or study: OR
  - 2. A total of 40 hours of education training, study or work-site experience.

Both options will be presented to enrollees, and they (enrollees) will be permitted to choose either option. Work-site experience includes, but is not limited to paid employment, work study, practicums, internships, clinical placements, laboratory or field work directly related to the enrollee's employment goal or any other work activity that as determined by the Office for Family Independence, will enhance the enrollee's employability in her/his field of study. In the last semester of the enrollee's educational program, work-site experience may also include resume preparation, employment research, interviews and other activities related to job placement

Study hours are to be counted as 1 times the number of hours enrolled in the educational program. These do not have to be scheduled, supervised study hours; as long as the participant is satisfactorily participating in the educational activity, the study hours are automatically allowed and counted towards the participation requirement.

- a. An enrollee receiving aid under this program must be enrolled full-time, with the expectation that the degree (either 2 year or 4 year) will be obtained within the normal time frame for the particular degree and make satisfactory progress as defined in Section 3, III, A of the ASPIRE-TANF Policy Manual. If ASPIRE-TANF determines, with appropriate verification, that "Good Cause" for participating on a less-than-full time basis exists, then the participant will be allowed up to 1.5 times the normal time frame it would take to obtain the 2 or 4-year degree. Unless required by state or federal law, under no circumstances will the time allowed exceed 3 years for a 2-year degree, or 6 years for a 4-year degree. For purposes of this subsection the term "good cause" means circumstances in which the required participation would cause the enrollee to seriously compromise academic performance. Good cause includes, but is not limited to, a verifiable need to take care of a family member with special needs, a physical or mental health problem, illness, accident, death or a serious personal or family problem that necessitates reduced participation or time off from education, training or work.

***(III.B.2.b. GENERAL PROVISIONS – PARTICIPATION REQUIREMENTS CONTINUED)***

(February 6, 2017)

16-4

Policy #23A

***(III.B.2. GENERAL PROVISIONS – PARTICIPATION REQUIREMENTS CONTINUED)***

- b. The ASPIRE-TANF program may not disapprove an educational plan based solely on the length of the educational program.
- c. In a two parent household, where both parents are on the TANF grant, one or both parents may apply to participate in the PaS Program. If only one parent is enrolled in the PaS Program, the other parent, if required by TANF regulations to participate in the ASPIRE-TANF Program, will have to participate in countable activities in accordance with Section 3, II.D. This will align the total hours of participation for the 2-parent PaS household with those required of non-PaS, 2-parent households.

**IV. ADMINISTRATION****A. Enrollment in the PaS Program**

- 1. Effective August 1, 1997, all participants who are currently enrolled in 2- and 4-year degree programs will be transferred into the PaS Program.
- 2. Beginning with the effective date of this policy, additional participants will be accepted into the program, until the cap of 2000 participants is reached. At the point that the cap is reached, no new enrollees in the PaS Program will be allowed, until participants leave the program. An Operating Memorandum will be issued that details the process for working with participants who want to enter the program.

**B. Procedures**

- 1. **Eligibility for the PaS Program** will be determined on an individual basis through the Assessment process.
  - a. An individual may apply for the PaS Program at the time of application for TANF, or any time while receiving TANF benefits.
  - b. Applicants for the PaS Program will be notified in writing of the results of the application, and afforded the same rights to a Fair Hearing as participants in the ASPIRE-TANF Program. The ASPIRE-TANF case manager is responsible for the determination of eligibility based on rules in this Section and applicable Sections in the ASPIRE-TANF Program Rules Manual.
- 2. **Services Available to PaS Participants**
  - a. All support services that are available to ASPIRE-TANF participants, including child care, transportation, etc. are available to PaS participants.

***(IV.B.2.b. ADMINISTRATION – SERVICES AVAILABLE TO PAS PARTICIPANTS CONTINUES ON NEXT PAGE)***

(February 6, 2017)

16-5

Policy #23A

***(IV.B.2. ADMINISTRATION – SERVICES AVAILABLE TO PAS PARTICIPANTS CONTINUED)***

- b. As in the ASPIRE-TANF Program, support services will be provided while the participant is actively engaged in an approved activity.

**3. Reduction in Services**

When the ASPIRE-TANF Program determines that there is a funding shortage which results in the need to reduce services, the following steps will be taken, depending on the severity of the funding shortage:

- a. All Family Contract Amendments will be honored to their completion date. No new participants will be enrolled in the PaS Program until the completion of existing Family Contract Amendments is assured.
- b. Procedures in Step 1 will apply. In addition, no new Family Contract Amendments will be written for voluntary summer courses which can be taken during the regular academic year.
- c. Procedures in Step 2 will apply. In addition, termination of Family Contract Amendments will begin, based on length of time necessary to complete the educational program. Participants with the greatest amount of time needed to finish the educational program will be terminated first of all, then proceeding to those participants who have a lesser amount of time needed to complete their educational program.
- d. In the event of severe funding inadequacy, in which the above steps are not sufficient, all Family Contract Amendments will be immediately terminated.

**END OF SECTION**

(February 6, 2017)

17-1

Policy #23A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 17: TANF TIME LIMIT EXTENSIONS**

**Summary:** This Section describes the extensions to the TANF 60 month time limit and the role and responsibility of the ASPIRE-TANF Program in implementing those extensions.

**I. GENERAL PROVISIONS**

- A. Under federal and state law, most families can receive TANF cash assistance for a maximum of 60 months. TANF is temporary cash assistance to help support families while they work with the ASPIRE-TANF Program to reach their employment goals and take steps to achieve self-support.
- B. Maine may extend TANF cash assistance beyond 60 months to households where the adult(s) or minor parent head of household meets the following requirements:
  - 1. Meets the criteria of one of the hardship extensions included in III. 1-8, below;
  - 2. Participates in Family Contract Amendment activities unless Good Cause for non-participation exists; and
  - 3. Meets all other TANF eligibility requirements.
- C. All hardship extension decisions and case closures based on the 60-month time limit must be approved by an OFI Supervisor.

**II. PRE-TERMINATION NOTICE AND CONFERENCE**

- A. The family shall have the right to request a conference prior to termination of TANF benefits to (1) contest the Department's calculation of the termination date and/or (2) seek to establish the family's eligibility for a hardship extension. At the conference, the family shall have a right to present evidence and argument; to bring witnesses to testify on the family's behalf; and to be represented by legal counsel. The pre-termination conference shall be conducted by an ASPIRE worker trained in the procedures set forth in this chapter, who will determine, based upon the family's case record and any evidence presented at the conference, the correct termination date for the family's TANF benefits and/or whether a hardship extension should be granted. The pre-termination conference may be held face-to-face or by phone.
- B. No later than 120 days prior to the end of a family's 60<sup>th</sup> month of receiving TANF, the Department will send written notice to the family of the opportunity to request a pre-termination conference. The notice will clearly explain:
  - 1. The purpose of the pre-termination conference;
  - 2. That a pre-termination conference may be requested orally or in writing;

***(II.B. PRE-TERMINATION NOTICE AND CONFERENCE CONTINUED NEXT PAGE)***



(February 6, 2017)

17-2

Policy #23A

***(II. PRE-TERMINATION NOTICE AND CONFERENCE CONTINUED)***

3. The name, address, and telephone number of the individual or office the family must contact to request a pre-termination conference;
  4. That the pre-termination conference may be conducted by phone or in person; and
  5. The timeframe in which the family must request a pre-termination conference to ensure continuation of benefits pending the conference.
- C. If a pre-termination conference is requested within 10 days of the date of the written notice, the family's benefits will continue until the conference has been held and a determination made, or until the scheduled termination date, whichever occurs later.
- D. If a pre-termination conference is requested more than 10 days after the date of the written notice, the family's benefits shall be terminated at the end of the 60<sup>th</sup> month unless the Department determines that the family qualifies for a hardship extension.
- E. When a pre-termination conference is requested by phone, the family may choose to hold the conference at that time or to schedule a date in the future, in which case the ASPIRE worker will send a letter indicating the date and time of the pre-termination conference. Whether the pre-termination conference is requested by phone or in writing, the worker will explain, either verbally or in the scheduling letter, the following to the requesting family:
1. The family's right to present evidence and argument at the pre-termination conference, and to bring witnesses to testify on the family's behalf;
  2. The family's right to be represented by legal counsel at the pre-termination conference; and
  3. That the family may request to have the pre-termination conference rescheduled or continued for Good Cause. This request must be made before the scheduled conference.
- F. Following the pre-termination conference, the ASPIRE worker shall issue a letter to the family explaining the Department's determination and advising of the right to appeal.
- G. If the family fails to request or attend the pre-termination conference, the Department will determine whether the family is eligible for a hardship extension based on the information in the family's case record.

***(III. TEMPORARY HARDSHIP EXTENSIONS NEXT PAGE)***

(February 6, 2017)

17-3

Policy #23A

### III. TEMPORARY HARDSHIP EXTENSIONS

- A. All hardship extensions are temporary and may be approved for up to six months. Additional incremental extensions may be granted for up to six months, unless specified.
- B. Extension requests may be made verbally or in writing at any time in the last 3 months of a household's 60 months of TANF receipt or at time of TANF application, if 60 months of TANF benefits already have been received by the family.
- C. Progress towards the goal of self-support must be demonstrated in order for additional hardship extension requests to be approved. Specific action steps in the Family Contract Amendment must have been accomplished, unless Good Cause has been established.
- D. If the adult with 60 or more months of TANF receipt is found to be in non-compliance with required activities during an extension, without Good Cause, that TANF extension will be ended.
- E. The adult recipient or the minor parent head of household has the primary responsibility of providing verification to support their request for a hardship extension.
- F. The following includes types of temporary hardship extensions, descriptions and time frames, and targets for case management during that extension period:
  - 1. **Domestic Violence** –An adult or minor parent head of household who is a victim of domestic violence may be eligible for an extension of up to six months. Additional incremental extensions of up to six months may be granted.
    - a. **Definition:** An adult or minor parent head of household is currently involved in or living with the effects of a domestic violence situation, which includes one or more of the following:
      - i. Physical acts/ threats of physical injury
      - ii. Sexual abuse of a child or caretaker of a child
      - iii. Psychological effects of the abuse
    - b. **Verification:** The individual must provide reasonable and verifiable written evidence of the abuse including, but not limited to:
      - i. Court, medical, law enforcement, child protective, social services, psychological, or other records that establish that the individual has been a victim of domestic violence; or
      - ii. Sworn statements from adult persons, other than the individual, with knowledge of the circumstances affecting that individual.
    - c. **Case Management:** A Family Contract Amendment may include steps to reduce the threat of violence and increase family security and steps to prepare for employment and reach self-support in the shortest time possible. ASPIRE will offer to connect participants to local domestic violence projects and/or support agencies.

***(III.F. TEMPORARY HARDSHIP EXTENSIONS CONTINUES ON THE NEXT PAGE)***

(February 6, 2017)

17-4

Policy #23A

***(III.F. TEMPORARY HARDSHIP EXTENSIONS CONTINUED)***

2. **Disability** – An adult or minor parent head of household who is disabled may be eligible for an extension of up to six months. Additional incremental extensions of up to six months may be granted.
  - a. **Definitions**
    1. “Disabled” is defined as the inability to engage in gainful employment based on medical evidence provided by an Acceptable Medical Source per the TANF Manual, Chapter II. The disability must substantially reduce the individual’s ability to support the family.
    2. Gainful employment” is defined as activities that a person can perform and pursue intended to provide an income, and are a source of consistent revenue for the worker such as a steady job.
  - b. **Verification:** The adult(s) or minor parent head(s) of household recipient claiming disability must:
    1. Have a significant physical or mental incapacity documented on a current medical form provided by the Department; and file an application for disability for SSI, SSDI or Railroad Retirement Disability.

OR

    2. If the impairment is believed to be temporary (less than 12 months) the applicant must provide medical information that provides a diagnosis and prognosis, including the length of time the applicant cannot be involved in work activities. Temporary disability is intended to cover those incapacities such as a broken limb, recovery from surgery and other short-term disabilities.
  - c. The request for subsequent incremental extensions must include:
    1. An updated medical form
    2. Documentation of the active status or documentation of the appeal of a denial of the SSI/SSDI application.

OR

    1. If the impairment is believed to be temporary (less than 12 months from the original medical statement) the applicant must provide medical information that provides a diagnosis and prognosis, including the length of time the applicant cannot be involved in work activities. Temporary disability is intended to cover those incapacities such as a broken limb, recovery from surgery and other short-term disabilities.

***(III.F.2.C. TEMPORARY HARDSHIP EXTENSIONS CONTINUES ON NEXT PAGE)***

(February 6, 2017)

17-5

Policy #23A

***(III.F.2.c. TEMPORARY HARDSHIP EXTENSIONS CONTINUED)***

2. Documentation of ongoing compliance in the individual's rehabilitation employment plans as reported by the Office of Rehabilitation Services, or documentation that the individual was found eligible for vocational rehabilitation services but was placed on a wait list.
  - d. If it is determined that the individual is not disabled, or is able to engage in gainful employment with some or no limitations, the individual does not qualify for TANF extended benefits.
  - e. **Case Management:** A Family Contract Amendment must include steps to follow up with any disability application process. A Family Contract Amendment may include cooperating with the Department of Labor, Bureau of Rehabilitation, Vocational Rehabilitation Services, if found appropriate.
3. **Caring for a Significantly Disabled Family Member** – An adult or minor parent head of household who is caring for a significantly disabled family member may be eligible for an extension of up to six months. Additional incremental extensions of up to six months each may be granted.
    - a. **Definition:** The adult or minor parent head of household is needed to care for a family member who resides in the home and would be included in the TANF grant if otherwise eligible, and who has a temporary or permanent mental or physical illness, condition, or incapacity and no other care is available.
    - b. **Verification:** The person who needs the care is physically or mentally disabled, as determined by medical evidence, provided by an Acceptable Medical Source per the TANF Manual, Chapter II, and the person who needs the care requires full-time assistance with daily living activities such as eating, personal care, mobility and/or medical attention; or the person who needs care requires full-time supervision to address mental health issues that may result in harm to the person needing care or to others.
    - c. **Case Management:** A Family Contract Amendment must include development of a plan for care for the disabled family member to enable employment or a return to employment for the individual or development of another plan for financial support in anticipation of the end of TANF cash assistance.

***(III.F.4. TEMPORARY HARDSHIP EXTENSIONS CONTINUES ON NEXT PAGE)***

(February 6, 2017)

17-6

Policy #23A

***(III.F. TEMPORARY HARDSHIP EXTENSIONS CONTINUED)***

4. **Participation in a Training or Education Program** – The adult or minor parent head of household who is participating in a training or education program may be eligible for an extension up to six months. Additional incremental extensions of up to six months each may be granted.
- a. **Definition:** An adult or minor parent head of household, who, in the 60th month of receipt of TANF cash assistance is participating in an approved vocational education training program. Vocational education training is defined in ASPIRE-TANF Program Rules Section 3, subsection IV,A.3.a. This does not include: Adult Basic Education, General Equivalency Degrees, English as a Second Language, or High School. Individuals must maintain satisfactory progress (Section 3, III, A.) towards completion. (See Sections 10 and 16 for training and education time frames and completion requirements.)
  - b. **Verification:** The individual must verify their training/ education schedule, grades or completion results and hours of participation.
  - c. **Case Management:** For those receiving TANF-PaS benefits, the eligibility criteria and participation requirements (Section 16) remain the same during an extension.
5. **Working Families** – An adult or minor parent head of household who is working may be eligible for an extension up to six months. Additional incremental extensions of up to six months each may be granted.
- a. **Definition:** An adult or minor parent head of household is working at paid employment for at least 35 hours per week but continues to be eligible for TANF cash assistance.
  - b. **Verification:** Employment hours are verified through paystubs, or other employer contact through either OFI Eligibility or ASPIRE, and is documented in the client’s electronic case file.
- NOTE:** Self-employed individuals must demonstrate that they are working 35 hours per week and must be earning at least the equivalent to the Federal minimum wage per hour (totaling 35) to be eligible for this extension.
- c. **Case Management:** A Family Contract Amendment must include steps to attempt to increase the individual’s work hours and/or pay.

***(III.F.6. TEMPORARY HARDSHIP EXTENSIONS CONTINUES ON NEXT PAGE)***

(February 6, 2017)

17-7

Policy #23A

***(III.F. TEMPORARY HARDSHIP EXTENSIONS CONTINUED)***

6. **Pregnancy** – The pregnant adult(s) or minor parent head of household may be eligible for an extension up to six months.
- a. **Definition:** A pregnant individual who is in her last trimester of pregnancy in her 60th month of TANF receipt. This is limited to single parent households.
  - b. **Verification:** Pregnancy verification must be provided by the individual to the Department.
  - c. **Case Management:** Assessment shall include discussion of family planning and resources provided, upon request, to prevent unwanted pregnancies.
7. **Loss of Job** – An adult or minor parent head of household, who becomes unemployed following his or her termination from TANF as a result of the time limit, may be eligible for an extension of up to six months. Additional incremental extensions of up to six months each may be granted provided there is a break in TANF for at least 12 months between the two extension periods.
- a. **Definition:** An adult or minor parent head of household, who becomes unemployed following his/her termination from TANF as a result of the time limit, may be eligible for an extension of up to six months when:
    - i. The individual has been employed for at least 12 months following TANF closure when the TANF closure was the result of the time limit or as the result of the end of an extension period; and
    - ii. The job loss was through no fault of the individual; and
    - iii. The individual has applied for unemployment benefits and would have been eligible except that (s)he has not worked for a sufficient length of time.
  - b. **Verification:** The individual must provide:
    - i. Verification of his/her employment for 12 months following TANF closure; and
    - ii. Verification of the reason for his/her most recent job loss; and
    - iii. Verification of his/her unemployment benefits status.
  - c. **Case Management:** A Family Contract Amendment must include job search activities when appropriate, as outlined in Section 12.

***(III.F.8. TEMPORARY HARDSHIP EXTENSIONS CONTINUES ON NEXT PAGE)***

(February 6, 2017)

17-8

Policy #23A

**(III.F. TEMPORARY HARDSHIP EXTENSIONS CONTINUED)**

8. **Occurrence of an Emergency Situation** – A family may be eligible for an extension of up to six months when the family has experienced an emergency situation, other than citizenship or alien status, which is beyond the control of the family and prohibits them from engaging in employment.
- a. **Definition:** A family may be eligible for an extension of up to six months when the family has experienced an emergency situation, other than citizenship or alien status, which is beyond the control of the family and prohibits them from engaging in employment. Examples of an emergency situation include but are not limited to the following:
    - i. Death of child , spouse or parent; or
    - ii. Homelessness due to a disaster such as fire, flood or act of nature.
    - iii. Victims of violent crimes
  - b. **Verification:** The individual must provide verification of the emergency situation that is prohibiting them from engaging in employment. Examples of this verification may include a written statement from a law enforcement official, or a social service agency.
  - c. **Case Management:** The individual’s Family Contract Amendment must include steps to resolve barriers to employment created by the emergency situation. Appropriate referrals to available resources and services that may assist the family must be offered.

**IV. TEMPORARY HARDSHIP EXTENSION GRANTED**

- A. **Hardship extensions** shall not be granted when:
  1. The participant has rejected an offer of employment or quit a job without Good Cause (Section 4, III., C.) within the 12 calendar months prior to the date of the extension request;
  2. The participant has failed to cooperate with ASPIRE, DSER, or QC within the 12 calendar months prior to the date of the extension request, two or more sanctions:
  3. The participant has an Intentional Program Violation from the Department of Health and Human Services in the past 36 months, following the date the IPV was established.
- B. Extensions must last a minimum of one month to a maximum of six months.
- C. Individuals must meet the hardship extension criteria in order to remain eligible for an extension.
- D. Individuals will receive extension decisions in writing. This notification will explain the reason for the decision and appeal rights.
- E. A signed Family Contract Amendment must be completed within 10 days after granting a hardship extension.

(May 2016)

17-9

Policy #23A

***(IV. TEMPORARY HARDSHIP EXTENSION GRANTED continued)***

- F. Support Services, as defined in Section 14, may be provided during extensions.
- G. Good cause for non-compliance with an activity in the Family Contract Amendment during a hardship extension is allowed consistent with the Good Cause provisions as defined in Section 4, III.
- H. Reviews of individual's progress during their extension must be completed at least monthly by the ASPIRE-TANF Program. A review must be conducted when the Department becomes aware of changes in the household, including, but not limited to, earnings or household composition.

Earnings of any recipient or minor parent head of household approved for an extension due to a total inability to work will cause case closure due to failure to meet extension criteria, regardless of the amount of the earnings

- J. When a hardship extension has been granted and the TANF adult who has not received 60 months of TANF benefits fails to comply with ASPIRE rules, without Good Cause, the sanction process will be followed (Section 4, V. and VI).
- K. When a hardship extension has been granted and the TANF adult who has received 60 months of TANF benefits fails to comply with ASPIRE rules, without Good Cause, the extension will be withdrawn and the TANF case will close.

**V. END OF A TEMPORARY HARDSHIP EXTENSION**

- A. All hardship extensions are temporary and may be approved for up to six months. During the temporary hardship extension period the ASPIRE worker shall monitor the case for compliance. The TANF benefit continues until the extension ends or the family is no longer eligible for TANF for other reasons.
- B. The family will receive notice, which shall be consistent with the notice described under Pre-Termination Conference and Notice, Subsection II of this Section, at least 10 days before the end of the temporary hardship extension. That notice will include an explanation of the right to request a hearing.

**VI. RIGHT TO APPEAL**

- A. Any adult recipient or minor parent head of household whose request for a temporary hardship extension has been denied for any reason may request an Administrative Hearing. Benefits, however, may not be extended beyond the 60<sup>th</sup> month or be reopened following a 60-month closure while a hearing or a decision by the Hearings Officer is pending. All other rules regarding the Administrative Hearing procedures outlined in Public Assistance Manual (TANF) Chapter VI, apply.
- B. When the Hearing Officer's decision is that the Department was not correct in its action, a corrective payment shall be made for the period specified in the hearing decision.

**END OF SECTION**



(XXX , 2020)

18-1

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 18: WORKING CARS FOR WORKING FAMILIES**

**SUMMARY:** This section describes the Working Cars for Working Families Program (referred to in this Section as “the Program”), which is created to provide transportation for low-income individuals to obtain and retain sustainable employment. This Section establishes the Program, sets out eligibility and ongoing participation criteria, and describes the application and decision-making processes.

**I. AUTHORIZATION AND SCOPE**

The Department is required to operate the Working Cars for Working Families Program by 22 M.R.S. § 3769-F. This requirement expires as of July 1, 2022. Pending the availability of funding and other resources, the Department may continue to operate the program. The purpose of the Program is to assist participants in obtaining and maintaining sustainable employment by providing them with access to reliable, affordable transportation.

**II. ADMINISTRATION**

- A. General — Subject to the availability of funds, the Department shall administer the Working Cars for Working Families Program in accordance with this Section, once operational infrastructure is complete, which may occur after the adoption date of this rule. The Program shall provide transportation solutions to eligible program participants, pursuant to the most effective and efficient way to achieve that goal with the limited resources and time period provided under statute.
- B. Services — The Program will include different transportation options. Such options may include, without limitation—
1. furnishing purchased or donated vehicles to participants;
  2. coordinating public or private transportation;
  3. facilitating car shares among participants;
  4. ride or shuttle service; or
  5. providing driver instruction or education.

These rules include some provisions that expressly apply only to certain such options. Which options shall be afforded to any individual will be based on the availability of the option, the suitability of that option to solve the particular individual’s barrier to sustainable employment, and the desire of the individual to accept that option.

**C. Definitions –**

1. Sustainable employment — employment that leads or is expected to lead to a family ending its financial need for cash assistance, including TANF, PaS, and Alternative Aid. “Employment” within the meaning of this Section does not include self-employment or any form of employment that involves a subsidy to the employer.

(XXX , 2020)

18-2

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

2. Earned income — Cash or in-kind benefits received as payment for work performed either as an employee, through the receipt of wages, salaries, tips, or commissions. Earned income does not include income from self-employment or income from employment that involves a subsidy to the employer.
- D. Funding Contingencies -- Pursuant to authorizing statute, funding for the Working Cars for Working Families Program is limited to \$6,000,000 allocated from the federal TANF block grant accrued prior to state fiscal year 2017-2018. If the Department finds that its continued administration of the Program will or is reasonably likely to exhaust that funding before June 30, 2022, it will follow the procedures in this subsection to minimize the impact on program participants.
1. If funding allows, the Department shall stop accepting or processing new applications or Transportation Program Agreements (see Subsection VII), and shall continue to honor all current, signed Agreements to their completion date.
  2. If funding is not sufficient to maintain current programming as described in subparagraph 1, the Department shall reduce specific transportation services and/or the frequencies with which such services are provided, giving at least 14 days' notice to affected program participants. The Department shall effectuate reductions and eliminations under this subsection across the board to all participants, not make case-by-case elimination or reduction decisions.
  3. If funding is not sufficient to maintain current programming as provided in subparagraph 1 or to equitably reduce or eliminate programming as provided in subparagraph 2, the Department shall terminate all Transportation Program Agreements and end all services, providing at least 14 days' notice to program participants.
  4. The Department will notify program participants of reductions or program termination no less than 14 calendar days in advance of the reduction or termination of service.
  5. Categorically applicable denials, reductions, and service terminations based on funding limitations are not subject to administrative appeal.

### **III. ELIGIBILITY DETERMINATION PROCESS**

- A. General -- The Department shall determine program eligibility and enrollment as follows:
1. The Department shall determine whether an application meets the financial and nonfinancial program eligibility criteria set out in Subsection IV;
  2. If the Department finds that an application meets the eligibility criteria, it will notify the applicant, and schedule and conduct an in-person assessment with the applicant, in accordance with Subsection V (Assessments may be conducted through a virtual meeting platform, rather than in-person, under extraordinary circumstances such as a public health emergency.); and

(XXX , 2020)

18-3

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

3. If the Department determines an individual eligible for this program per the financial and non-financial criteria detailed in this Section, it shall determine whether there are available Program resources that would remedy the applicant's transportation barriers to employment.
- B. Application -- To facilitate the process described in Subsection IV (A), the Department shall develop a uniform application for the Program, which will allow the Department to evaluate an applicant's eligibility under Subsection V. The application will also include a list of potential transportation services, from which the applicant may indicate the specific service(s) sought. Applicants may submit completed applications at any of the Department's regional offices or at statewide offices where ASPIRE services are provided. The application date will be the date a valid application is received. To be considered valid, the application must include the minimum information necessary to make an eligibility determination as detailed in IV below. If an incomplete application is received, but it contains contact information, the Department will take steps to aid in its completion.
- C. Enrollment -- The Department shall determine whether an applicant is eligible to receive Program services—and if so, what available services to provide—based on the following:
  1. The Department's review of the applicant's eligibility under the Basic Eligibility Criteria in Subsection V, including the applicant's timely production of any necessary or requested verifications that confirm such eligibility;
  2. The applicant's timely compliance with requests for verification and attendance at the scheduled assessment;
  3. The Department's review of the applicant's transportation needs, employment situation, and suitability for the Program, in accordance with Subsections V and VI; and
  4. The availability of Program resources, and non-program alternatives, that will reasonably address the applicant's Transportation Need as defined by IV(B) below.

If in its evaluation of factors 1-4, the Department determines that participation in the Program is appropriate, it will notify the applicant in accordance with Subsection IV (D). Program enrollment and service delivery shall not occur until the qualified applicant has executed a Transportation Program Agreement under Subsection VII (A).

- D. Decision — Within 30 days of receiving a complete application, the Department will issue a written determination of eligibility at the conclusion of its evaluation. If the applicant is not deemed eligible and qualified for the program pursuant to Subsections V or VI, or if the Department determines that the applicant will receive a transportation service that is not the applicant's first preference, then the notice will identify the reason(s) for the denial or for the particular service selection. The decision will be provided to the applicant within 30 calendar days of the date the Department receives the completed written application, provided the applicant has replied to requests for verifications in a timely manner and completed the scheduled assessment. The notice of decision will include information on appeal rights.

(XXX , 2020)

18-4

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- E. Waitlist -- If the transportation service that an eligible individual requires is not immediately available, the Department will maintain a waitlist that will include the individual's contact information, affirmative eligibility determination, and service request. When the service becomes available, the applicant will be contacted by their preferred method of contact that the individual stated during their Assessment (e.g., telephone, text, email, written postal mail). If contact is not made that same day, a letter will also be sent. The individual will have five calendar days from the date contact is attempted to accept the support. If they do not accept the support within the five days, they will have ten calendar days from the date contact is attempted to contact the department schedule another assessment. If they do not contact the Department within the ten days, they will be dropped from the waitlist.

**IV. BASIC ELIGIBILITY CRITERIA**

- A. Financial Eligibility -- Applicants must meet one of the following financial eligibility requirements to receive transportation services as part of the Program:
1. As of the date of application, the applicant must be an included member of an open case in Maine for, and be receiving, federally-funded TANF or TANF-PaS; or
  2. The applicant's filing unit (within the meaning of 10-144 C.M.R. Ch. 331, the Maine Public Assistance Manual, Chapter II, and 22 M.R.S. § 3763(8)) must have gross income at or below the gross income standard applicable to Alternative Aid applicants, pursuant to the Maine Public Assistance Manual, Chapter IX.
- B. Transportation Need -- To be eligible for the Program, applicants must demonstrate that adequate reliable transportation is their primary barrier to obtaining or retaining sustainable employment. In assessing this need, the Department may require an applicant to make a written statement as part of the application, explaining the applicant's transportation limitations and how they impact job prospects. Determining whether an applicant meets this eligibility criterion will require the Department to consider the facts and circumstances of each individual applicant. At a minimum, the applicant shall provide details concerning, and the Department shall consider, the following:
1. Employment Circumstances -- The applicant must have a reasonable likelihood of obtaining or retaining sustainable employment by participating in the Program. An applicant may meet this requirement by showing the following, or making a similar showing:
    - a. The applicant is actively working thirty (30) or more hours per week, resulting in weekly earned income equal to or in excess of the State of Maine's minimum wage;
    - b. The applicant has a job offer, or offers, that would combine for thirty (30) hours average weekly employment, resulting in earned income equal to or in excess of the State of Maine's minimum wage;

(XXX , 2020)

18-5

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- c. The applicant has at least one pending job application for a position the applicant is qualified for and prepared to accept, within an hour commute of the applicant's residence;
  - d. Within the last thirty (30) days there have been, or there currently are, at least three posted positions, for which the applicant is qualified and that they would have applied to but for transportation limitations, within an hour commute of the applicant's residence; or
  - e. Within thirty (30) days of Program application the applicant will receive a credential, certification, degree or other similar qualification that will enable the applicant to apply for and accept employment within a field that has had in the last thirty (30) days at least three posted positions within an hour commute of the applicant's residence for which the applicant will be qualified upon receipt of the new credential.
2. Transportation Limitations. An applicant will be eligible for the Program only if they do not have access to sufficient transportation to maintain or obtain sustainable employment. An applicant is **not** eligible for the Program, if—
- a. They own a vehicle in reliable running condition. The Department will verify ownership, or lack thereof, by searching for active registration with the State of Maine, Bureau of Motor Vehicles (BMV) and with the BMV or any like agency of any other state where the applicant lived within 12 months of applying. If the applicant contends that their vehicle is not in reliable running condition, the Department will require a written statement from a State of Maine licensed vehicle inspection station;
  - b. Another member of the applicant's TANF household or filing unit owns a vehicle in reliable running condition and does not use the vehicle for work or child care that conflicts with the applicant's actual or anticipated employment schedule. The Department will verify ownership, or lack thereof, by searching for active registration with the State of Maine, Bureau of Motor Vehicles (BMV) and with the BMV or any like agency of any other state where the individual lived within 12 months of applying. If the applicant contends that the household vehicle is not in reliable running condition, the Department will require a written statement from a State of Maine licensed vehicle inspection station;
  - c. Available public transportation can reliably and consistently accommodate the applicant's actual or anticipated schedule of employment hours and child-care-provider-required pick up and drop off times, with an average commute time of no longer than one (1) hour each way; or
  - d. They have consistent access to any other form of reliable transportation that does not limit the applicant's ability to accept new employment, increase hours, change their work schedule, or meet child care needs.
- C. Additional Nonfinancial Requirements—

(XXX , 2020)

18-6

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

1. Applicants must meet all of the non-financial eligibility criteria for federally-funded TANF benefits described in Maine Title 10-144 C.M.R. Ch. 331 chapter II with the following exceptions:
  - a. Establishing Paternity and Assignment of Rights to Support;
  - b. ASPIRE-TANF.  
  
NOTE: This exception does not waive any requirements to participate with ASPIRE based on participation in other TANF-funded programs.
2. No applicant is eligible to participate in the Program if at the time of application or subsequent to the application—
  - a. The applicant or another member of the applicant’s TANF filing unit has received three (3) or more Department sanctions including from, without limitation—ASPIRE, Division of Support Enforcement and Recovery (DSER), and Quality Control (QC) in the last twenty-four (24) calendar months; or
  - b. The applicant or another member of the applicant’s TANF filing unit has had an Intentional Program Violation (IPV) for any needs-based benefit program in Maine, or any other state within the United States.
3. Applicants who are mandatory ASPIRE Program participants must meet the following conditions:
  - a. Be in compliance with the terms of their Family Contract Amendment;
  - b. Not have a current sanction for failing to comply with the ASPIRE Program;
  - c. Not be exempt from ASPIRE work participation requirements. This limitation includes federally allowed exemptions of caring for a disabled family member, or caring for a child under the age of one (1); and
  - d. One of the following:
    - i. Have been successfully meeting the ASPIRE work participation requirements without need for good cause for each of the previous three months, or since beginning participation with ASPIRE, whichever is shorter; or
    - ii. Have had employment of an average of thirty (30) hours per week resulting in weekly earned income equal to or in excess of the State of Maine’s minimum wage for each of the previous three months, or since beginning participation with ASPIRE, whichever is shorter; or
    - iii. During the relevant period, have attended full time (as defined by the institution) college courses that resulted in an Associate’s or Bachelor’s Degree, or attended

(XXX , 2020)

18-7

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

a training or education course(s) for an average of thirty (30) hours per week that resulted in a work credential.

4. Individuals who are not mandatory ASPIRE Program participants must meet the following conditions:
  - a. Qualify as a member of a TANF filing unit, in which a qualifying specified relative is maintaining a home for a child under the age of eighteen (18), or who is eighteen (18) and attending school full time. The provisions of the Maine Public Assistance Manual, Chapter II, apply to determine whether an applicant meets the qualifications under this subsection;
  - b. Be actively working thirty (30) or more hours per week, resulting in weekly earned income equal to or in excess of the State of Maine's minimum wage before receiving any transportation service under the Program; and
  - c. Attend a Program orientation and comply with all requirements associated therewith before receiving any transportation service under the Program.
- D. Additional Eligibility Criteria for Vehicle Access—Applicants requesting to receive access to a vehicle through the Program must meet additional eligibility requirements to receive the service. Applicants otherwise meeting the eligibility criteria in this section may receive other transportation services available through the Program until satisfying the following criteria:
  1. Have a current valid driver's license in any state in the United States;
  2. Be at least twenty-one (21) years of age;
  3. Demonstrate the ability to responsibly own and maintain a vehicle. This demonstration includes completion of each of the following courses prior to vehicle delivery, if courses are available online or within a reasonable distance from the applicant's residence:
    - a. Driver safety course (Maine Driving Dynamics);
    - b. Vehicle ownership orientation; and
    - c. Vehicle ownership course including financial preparation.
  4. Not have been convicted of any of the following offenses, as determined by self-attestation and a background check:
    - a. Operating Under the Influence (OUI), Driving Under the Influence (DUI) or Driving While Intoxicated (DWI) in the past ten (10) years;
    - b. More than two (2) moving violations or at-fault accidents in the past five (5) years;

(XXX , 2020)

18-8

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- c. Any moving violation in the six (6) months immediately preceding Program enrollment; or
  - d. Any crimes of violence leading to bodily injury of another.
5. Make a down payment to the Department in the amount equivalent to three (3) monthly premium payments, as provided in Subsection VII (C)(2). This payment may be made in no more than three (3) installments, over no more than three (3) months, and may not be waived. Participants may not receive ASPIRE, FSET, or HOPE support services to cover the down payment.
- E. Verifications -- Except where otherwise specified, above, and unless the Department can obtain verification through its own records or the records of its agents, the Department shall require written or third-party verification of any factor impacting Program eligibility. Failure to respond to requested verifications within ten (10) business days may result in a denial.

**V. ASSESSMENT**

- A. General -- As part of the determination of Program eligibility, the Department will conduct an assessment of the applicant to evaluate the applicant's qualifications, particularly with regard to their transportation need, as set out in Subsection V(B). Provided that all eligibility criteria are satisfied, the assessment will also evaluate available transportation service options to determine the option best suited to an applicant's particular situation. The Department may determine, as a result of the assessment, that the applicant may receive program services that are different from the applicant's initial request.
- B. Format and Scheduling -- The assessment will be scheduled verbally or by a written scheduling notice and shall be conducted in person between the applicant and the Department. (Assessments may be conducted through a virtual meeting platform, rather than in-person, under extraordinary circumstances such as a public health emergency.) Failure to complete a scheduled assessment without providing 24 hours of advance notice and rescheduling at a mutually agreed time no more than one week after the original date may result in a denial. If it has appropriate information at the time, the Department may verbally notify the applicant at the time of the assessment that they are eligible for the Program and suitable for an available option. If such a determination is appropriate, the Department and the applicant shall execute a Transportation Program Agreement at that time, and the Department may begin providing Program services immediately, as appropriate. If the Department makes such a determination at the time of the assessment, and the applicant executes a Transportation Program Agreement, the applicant may, at their sole option, elect not to receive a separate written decision about Program eligibility under Subsection IV (D).
- C. The Department shall discuss the following with the applicant during the Assessment:
- 1. Any information in or missing from the application that is relevant to eligibility criteria set out in Subsection V;
  - 2. Any information in or missing from requested verifications;



(XXX , 2020)

18-9

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

3. The applicant's current employment status, including details concerning earnings and scheduled work hours;
4. The applicant's employment history from the past twenty-four (24) months, to include self-employment and subsidized employment;
5. Transportation resources currently available to the applicant;
6. The applicant's method of transportation used in the past twelve (12) months;
7. The applicant's current or anticipated travel route to child care and employment;
8. Details of any vehicles owned or registered to the individual to include, but not limited to, outstanding loans, year, make, model, mileage, condition, current status of title, registration, inspection, liens, and insurance;
9. Driving background to include a review of a background check which shall include searches of the State Bureau of Investigation (SBI) and Maine's Bureau of Motor Vehicles (BMV) records;
10. Any other matter that impacts the applicant's Program eligibility or suitability for a service or set of services; and
11. Information on the applicant's preferred method of contact.

**VI. PARTICIPATION AND CONTINUED ELIGIBILITY REQUIREMENTS**

- A. Program Agreement -- Prior to receiving any services under the Program, and before any changes to services can take effect for ongoing cases, participants must execute with the Department a Transportation Program Agreement (Agreement).
  1. Form and Duration -- The Agreement must be reviewed and renewed no less often than once every six months, or whenever there is a material change in a participant's employment or transportation circumstances.
  2. Effect -- The participant shall comply with the terms of their Agreement, and failure to do so may result in termination of enrollment, per Subsection VIII, a Program overpayment, per the Maine Public Assistance Manual, Chapter VI, and/or an Intentional Program Violation (IPV), per the Maine Public Assistance Manual, Chapter VI.
  3. Content -- Each Agreement shall be tailored to the facts and circumstances of the Program participant. In addition, all Agreements must include the following:
    - a. An attestation by the participant that they do not have sufficient access to reliable transportation to allow the them to retain or obtain sustainable employment;
    - b. A commitment that the participant will report to the Department immediately if they determine that they cannot meet the requirements of the program;

(XXX , 2020)

18-10

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- c. A commitment that, once enrolled in the program, the participant will not voluntarily reduce hours of employment below the average of 30 hours per week;
  - d. A commitment that the participant will report changes of employment circumstances (including without limitation -- employer, hours, schedule, and earnings), the availability of alternative transportation options, and contact information to the Department within ten days of their becoming aware of the change;
  - e. A commitment that the participant will attend in-person meetings with the Program as scheduled, and no less often than once a month during the first six months of program participation (These meetings may be conducted through a virtual meeting platform, rather than in-person, under extraordinary circumstances such as a public health emergency.); and
  - f. A commitment that the participant will not engage in disruptive conduct during any program-coordinated transportation service.
  - g. A commitment by the Department to provide transportation services so long as the participant abides by the agreement, meets all other eligibility requirements and such services are at the Department's disposal.
4. Content Specific to Vehicle Access Services -- Prior to receiving such service under the Program, participants eligible for and seeking to gain access to a vehicle under the Program must execute an Agreement that, in addition to the provisions specified in Subsection VII (A)(3), includes—
- a. A commitment to use the vehicle primarily for purposes of commuting to and from work;
  - b. A commitment not to sell or trade the vehicle during Program participation, without prior authorization in writing from the Director of the Office for Family Independence or their designee;
  - c. A commitment not to allow other members of the household to drive the vehicle;
  - d. A commitment not to use the vehicle for income producing transportation services or for transportation services which result in mileage reimbursement for transporting others;
  - e. A commitment to operating the vehicle in compliance with all applicable traffic and parking laws;
  - f. A commitment not to operate the vehicle under the influence of alcohol, illegal drugs, or prescription drugs that impair a person's ability to operate motor vehicles;
  - g. A commitment not to consume alcohol, illegal drugs, or prescription drugs that impair a person's ability to operate motor vehicles while in the vehicle, whether or not the vehicle is running;

(XXX , 2020)

18-11

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- h. A commitment to report any accidents, thefts, or similar types of incidents involving the vehicle to law enforcement immediately;
  - i. A commitment to protect the vehicle from theft and vandalism by locking the vehicle and parking in well-lit areas, to the extent possible;
  - j. A commitment to conduct routine maintenance on the vehicle as necessary, including but not limited to, regular cleaning of the interior and exterior of the vehicle, oil changes, and maintaining fluid levels;
  - k. A commitment not to operate the vehicle when it is in an unsafe condition or in need of repairs, to report such a condition to the Department immediately, and to cooperate with the Department in arranging for necessary repairs;
  - l. A commitment not to use the vehicle for any illegal activities;
  - m. A commitment to make monthly premium payments timely and in-full, as described in Subsection VII (C);
  - n. Subject to Subsection VII (C)(1), a commitment to timely cooperate with and assist the Department in—
    - i. maintaining active, current registration for the vehicle,
    - ii. maintaining active, current insurance on the vehicle,
    - iii. ensuring the vehicle timely passes state inspection, and
    - iv. ensuring all applicable taxes on the vehicle are paid; and
  - o. A commitment to immediately return the vehicle to the Department upon demand, for failure to comply with the terms of the Agreement or the rules of the Program, including transferring title to the Department where applicable.
- B. Annual Review -- No less often than once every 12 months following initial Program Enrollment, a participant will attest to the Department and confirm with verifications as requested by the Department that --
- 1. Without regard to how the participant initially gained financial eligibility into the Program, the gross income of the participant's filing unit (within the meaning of the Maine Public Assistance Manual, Chapter II) is less than or equal to 250 percent of the federal poverty level;
  - 2. Transportation would be a primary obstacle to retaining sustainable employment if the participant withdrew from the Program; and
  - 3. The participant continues to meet all applicable nonfinancial eligibility requirements set out in Subsection V (C) and (D).

(XXX , 2020)

18-12

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- C. Changes between reviews — The Department shall connect with the participants, verbally or in writing, three, six, and nine, and each subsequent 12 months from the date of the start of the Participant’s eligibility determination in order to:
1. Ensure compliance with vehicle maintenance requirements as outlined in the TPA;
  2. Verify continued employment; and
  3. Refer the Participant to new transportation resources as needed.
- D. Additional Vehicle Access Provisions --
1. To the extent reasonably practicable, the Department shall transfer title to all vehicles provided to program participants within 30 calendar days of vehicle distribution. Prior to transferring title, in addition to determining that the participant has met all relevant eligibility criteria, the Department must—
    - a. Determine that, without assistance from the Department, the participant is financially able to pay all expenses associated with owning the vehicle including, without limitation, expenses associated with the provisions of Subsection VII (C)(1)(b), below; and
    - b. Require the participant, as an additional provision of the Agreement, to—
      - i. maintain active, current registration for the vehicle,
      - ii. maintain active, current insurance on the vehicle,
      - iii. ensure that the vehicle timely passes state inspection, and
      - iv. ensure that all applicable taxes on the vehicle are paid.
  2. Monthly Premiums -- Notwithstanding title to the vehicle, participants must pay to the Department a premium of \$100 by the 15<sup>th</sup> day of each calendar month in order to maintain access to such vehicle under the Program.
    - a. If a participant’s filing unit (within the meaning of the Maine Public Assistance Manual, Chapter II) has income greater than 200 percent of the federal poverty level, the participant’s monthly premium will be \$150.
    - b. A participant’s first failure to make a timely monthly premium payment will result in an overpayment in the amount of the premium due and an official warning issued by letter. A second failure to make a timely premium payment will result in an overpayment in the amount of the missed premiums and an obligation to return the vehicle to the Department, per the Agreement.
    - c. Temporary Waiver -- For no more than one month at a time, the Department may waive the monthly premium and any penalty for failure to make a payment thereof,

(XXX , 2020)

18-13

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

upon a participant's written or oral request and verification prior to the payment due date that—

- i. the filing unit's income has fallen below 100 percent of the federal poverty level; or
- ii. the participant is experiencing a crisis or extreme hardship, as determined by the Director of the Office for Family Independence or their designee.

Without regard to this Subsection, if a participant cannot pay the premium for more than two months in a row or three months in a 12 month period, the Department will conduct a new assessment and reassign the participant to a more suitable transportation option, if one is available.

- d. Participants may not receive ASPIRE, FSET, or HOPE support services to cover the premium.
3. Program Graduation -- After a participant has made a total of 24 monthly premium payments, in addition to the down payment, participation in the program and obligations under the Agreement will end, and the participant will retain ownership of the vehicle without continuing premium payment obligations. The Department shall notify participants in writing at the time of such graduation.
  4. The Department shall pursue an intentional program violation (IPV) when a participant has knowingly failed to return the vehicle upon the Department's demand or has sold or traded the vehicle during Program participation without prior authorization in writing from the Director of the Office for Family Independence or their designee. The dollar amount of any overpayment associated with such an IPV will be calculated as follows —
    - a. All down payments and premium payments made toward the vehicle shall be added together;
    - b. That sum shall be reduced by the total of all maintenance costs paid by the Department for the vehicle. If this reduction results in a negative figure, it will be treated as a zero.
    - c. This difference shall be subtracted from the NADA clean retail value at the date the vehicle was transferred to the participant.
    - d. This difference shall be the amount of the overpayment.

## **VII. TERMINATION AND APPEAL**

- A. Early Termination of Services -- Program services to a participant shall be terminated when one of the following occurs:
  1. The participant no longer meets all applicable program eligibility requirements set out in Subsection V; or

(XXX , 2020)

18-14

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

2. The participant fails to comply with a provision in their Agreement.

A participant shall not be terminated from the program due to failure to comply with their Agreement if the noncompliance concerns employment, and the participant demonstrates either --

- a. That the participant was terminated or had hours reduced through no fault of the participant; or
- b. The noncompliance was due to a medical condition or illness of the participant or a dependent who requires full time care. This noncompliance must last no more than two (2) calendar weeks. The medical condition or illness must be verified by a medical provider approved by the Department.

B. Appeal Rights -- A participant who disputes an application decision or a program decision, including a decision on a selection, reduction, or termination of transportation services; a denial of a monthly premium temporary waiver; or an overpayment; has the right to an administrative hearing, provided the request for the hearing is made timely. Department staff will complete the hearing request on behalf of the participant and file it with the Administrative Hearings Unit. See 10-144 C.M.R. Ch. 331, Maine Public Assistance Manual (TANF) Chapter VI, for additional information on Fair Hearings and Administrative Hearings and Intentional Program Violations.

1. The request for an administrative hearing must be made within thirty (30) calendar days of the issuance of the notice of action which is disputed. If the disputed decision involves the suspension or termination of transportation services which have previously been provided, and the participant requests an administrative hearing within ten (10) days of the notice, transportation services will continue pending the outcome of the administrative hearing.
2. The hearing will be conducted in accordance with the rights and procedures set forth in 10-144 C.M.R. Ch. 1 *et seq.*

**END OF SECTION**

10-144

MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE FOR FAMILY INDEPENDENCE

CHAPTER 607

ASPIRE-TANF PROGRAM RULES

Effective November 6, 2001

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**Table of Contents**

<b>Section</b>		
<b>Number</b>	<b>Title</b>	<b>Pages</b>
<b>Section 1</b>	Definitions	1-1 thru 1-6
<b>Section 2</b>	Authorization; Philosophy; Goals and Objectives, Administration	2-1 thru 2-6
	<u>I. Authorization</u>	<u>2-1</u>
	<u>II. Philosophy</u>	<u>2-1 thru 2-2</u>
	<u>III. Goals and Objectives</u>	<u>2-2</u>
	<u>IV. Administration</u>	<u>2-3 thru 2-6</u>
<b>Section 3</b>	Participation; Participant Performance Requirements Participant Satisfactory Progress; Program Performance Requirements; Scheduling Appointments	3-1 thru 3-8
	<u>I. Participation</u>	<u>3-1</u>
	<u>II. Participants Performance Requirements</u>	<u>3-1 thru 3-4</u>
	<u>III. Participants' Satisfactory Progress</u>	<u>3-4 thru 3-5</u>
	<u>IV. Program Performance Requirements</u>	<u>3-5 thru 3-8</u>
	<u>V. Scheduling Procedures</u>	<u>3-8</u>
<b>Section 4</b>	Confidentiality, Participants' Rights and Responsibilities, Good Cause; Fair Hearings, Sanctions, Intentional Program; Violations, Overpayment Procedures	4-1 thru 4-10
	<u>I. Confidentiality</u>	<u>4-1 thru 4-3</u>
	<u>II. Participants' Rights and Responsibilities</u>	<u>4-3</u>
	<u>III. Good Cause</u>	<u>4-4 thru 4-6</u>
	<u>IV. Fair Hearings</u>	<u>4-7</u>
	<u>V. Sanctionable Acts</u>	<u>4-8</u>
	<u>VI. Sanctioning Procedures</u>	<u>4-9 thru 4-10</u>
	<u>VII. Overpayment Procedures</u>	<u>4-10</u>
	<u>VIII. Intentional Program Violation</u>	<u>4-11</u>
<b>Section 5</b>	Work Evaluation	5-1 thru 5-5
	<u>I. General Provisions</u>	<u>5-1</u>



<b>Section 6</b>	Case Management	6-1 thru 6-2
	<u>I. General Provisions</u>	<u>6-1</u>
	<u>II. Functions</u>	<u>6-1 thru 6-2</u>
<b>Section 7</b>	Family Contract Amendment (FCA)	7-1 thru 7-2
	<u>I. General Provisions</u>	<u>7-1</u>
	<u>II. Procedures</u>	<u>7-2</u>
<b>Section 8</b>	Pre-Training	8-1 thru 8-2
	<u>I. General Provision</u>	<u>8-1</u>
	<u>II. Pre-Training Activities and Procedures</u>	<u>8-1 thru 8-2</u>
<b>Section 9</b>	Field Training	9-1 thru 9-3
	<u>I. General Provisions</u>	<u>9-1 thru 9-2</u>
	<u>II. Field Training Procedures</u>	<u>9-2 thru 9-3</u>
<b>Section 10</b>	Education and Training	10-1 thru 10-3
	<u>I. General Provisions</u>	<u>10-1</u>
	<u>II. Types of Education</u>	<u>10-1</u>
	<u>III. Procedures</u>	<u>10-2 thru 10-3</u>
<b>Section 11</b>	Work Activity Services	11-1 thru 11-3
	<u>I. General Provisions</u>	<u>11-1 thru 11-2</u>
	<u>II. MaineServe</u>	<u>11-2</u>
	<u>III. Transitional Employment for Maine Parents (TEMP)</u>	<u>11-3</u>
	<u>IV. Providing Child Care Services to Enable Another Participant to Participate in Community Service,</u>	<u>11-3</u>
<b>Section 12</b>	Job Search Activities	12-1 thru 12-3
	<u>I. General Provisions</u>	<u>12-1</u>
	<u>II. Types of Job Search Activities</u>	<u>12-2 thru 12-3</u>
<b>Section 13</b>	Employment	13-1 thru 13-8
	<u>I. General Provisions</u>	<u>13-1</u>
	<u>II. Types of Employment Services</u>	<u>13-1</u>
	<u>III. Procedures</u>	<u>13-2 thru 13-5</u>

	<u>IV.</u> Displaced Employee Grievances	13-6 thru 13-8
<b>Section 14</b>	Support Services and Payment Provisions for Services	14-1 thru 14-9
	<u>I.</u> General Provisions	14-1
	<u>II.</u> Support Service Benefits, Payment Provisions and Procedures	14-2 thru 14-8
	<u>III.</u> Employment Support Services	14-8
	<u>IV.</u> Promptness of Payment of Support Services	14-8
<b>Section 15</b>	Reduction of ASPIRE-TANF Services when Funding is Inadequate	15-1 thru 15-2
	<u>I.</u> General Provisions	15-1
	<u>II.</u> Service Reduction Due to Funding Inadequacy	15-1 thru 15-2
<b>Section 16</b>	Parents as Scholars Program	16-1 thru 16-5
	<u>I.</u> Authorization	16-1
	<u>II.</u> Philosophy	16-1
	<u>III.</u> General Provisions	16-1 thru 16-4
	<u>IV.</u> Administration	16-4 thru 16-5
<b>Section 17</b>	TANF Time Limit Extensions	17-1 thru 17-9
	<u>I.</u> General Provisions	17-1
	<u>II.</u> Pre-Termination Notice and Conference	17-1 thru 17-3
	<u>III.</u> Temporary Hardship Extensions	17-3 thru 17-8
	<u>IV.</u> Temporary Hardship Extension Granted	17-8 thru 17-9
	<u>V.</u> End of A Temporary Hardship Extension	17-9
	<u>VI.</u> Right to Appeal	17-9
<b>Section 18</b>	Working Cars for Working Families	18-1 thru 18-13
	<u>I.</u> Authorization and Scope	18-1
	<u>II.</u> Administration	18-1 thru 18-2
	<u>III.</u> Eligibility Determination Process	18-2 thru 18-4
	<u>IV.</u> Basic Eligibility Criteria	18-4 thru 18-8
	<u>V.</u> Assessment	18-8 thru 18-9

---

<u>VI. Participation and Continued Eligibility Requirements</u>	<u>18-9 thru 18-14</u>
<u>VII. Termination and Appeal</u>	<u>18-14 thru 18-15</u>

<b>INDEX</b>			
<b>Subject</b>	<b>Section</b>	<b>Subsection</b>	<b>Pages</b>
<b>A.</b>			
Adult entertainment	4	IX	4-10
apprenticeship	13	II.B.	13-1
ASPIRE-Plus	13	II.A.	13-1,2,3,4
assessment	5		5-1 thru 5
auto liability insurance	14	II.D.	14-5
auto repairs	14	II.C.	14-4
<u>auto purchase program</u>	<u>18</u>		<u>18-1 thru 18-13</u>
<b>B.</b>			
books and supplies	14	II.H.	14-5
<b>C.</b>			
case management	6		6-1,2
child care	14	II.A.	14-1 thru 3
clothing and uniforms	14	II.I.	14-6
confidentiality	4	I.	4-1, 2, 3
<b>D.</b>			
definitions	1		1-1 thru 6
dental care	14	II.F.	14-5
displaced employee grievances	13	IV.	13-6 thru 8
<b>E.</b>			
education and training	10		10-1 thru 3
education, procedures	10	III.A.-J.	10-2, 3
education, training expenses	14	II.G.	14-5
education, types of	10	II.A.-D.	10-1, 2
employment	13		13-1 thru 8
extensions	17	I-VI	17-1 thru 17-9
<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>

| eye care

14

II.D.

| 14-5

<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>
<b>F.</b>			
fair hearings	4	V.	4-6, 7
family planning	8	E.2.a.	8-2
Family Contract	2	IV.C.2.a.	2-5
	7	I.B., C.	7-1, 2
	7	II.A.-E.	7-2
	8	I.B.,C.,D.	8-1
	12	I.	12-1
	14	I.A.,B.,D.,F.	14-1 thru 14-9
	15	II.	15-1, 2
fee-for-service agreements	14	II.L., M., N.	14-6, 7
field training	9		9-1, 2, 3
Fraud investigation and Recovery Unit (FIRU)	1		1-3
<b>G.</b>			
Gambling facility	4	IX	4-10
GED preparation and training	8	C.	8-2
good cause	4	III.	4-4, 5
<b>H.</b>			
high school diploma programs	8	B.	8-2
<b>I.</b>			
Intentional Program Violation (IPV)	4	IX	4-10
<b>J.</b>			
job readiness activities	8	E.	8-2
job search	3		3-2, 4
	3		3-6, 7
	12		12-1, 2, 3
<b>K.</b>			
<b>L.</b>			
life management skills	8	E.1.	8-2

Liquor sales

4

IX

4-10

|

<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>		
<b>M.</b>	MaineServe	IV.A.3.	3-6		
		IV.B.2.	3-6		
	11	I.A.-O.	11-1,2		
		II.A.-C.	11-3		
Matriculation	16		16-1		
<b>N.</b>	non-traditional employment	II.D.	13-2		
		III.D.	13-6		
<b>O.</b>	occupational expenses	II.J.	14-6		
	on-the-job training (OJT/ASPIRE-Plus)	II.A.	13-1		
		III.	13-2, 3,4		
	orientation	2	2-5, 6		
		3	3-8		
		5	5-1		
7		7-2			
Overpayment Procedures	4	VIII.	4-9, 10		
<b>P.</b>	parenting education	8	E.2.C.	8-2	
	Parents as Scholars	16		16-1 thru 5	
	participant's performance requirements:	Single Parent Household	3	II.A.	3-1, 2
		Two Parent Household	3	II.B.	3-3, 4
		Teen Parents	3	II.B.	3-2
	participants' rights and responsibilities	4	II.	4-3, 4	
	participants' satisfactory progress	3	III.A.,B.	3-4, 5	
	participation	3	I.A.	3-1	
	payment of support services	14	IV.	14-8, 9	



<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>
period of enrollment	2	IV.C.3.c.	2-6
	14	I.F.	14-1
	14	II.D.	14-4
	14	II.F.	14-5
	14	II.J.,K.	14-7

<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>
pre-training program:	8		8-1, 2
administration	2	IV.	2-3 thru 5
authorization	2	I.	2-2
goals and objectives	2	III.	2-3
performance requirements - single parent family	3	IV.	3-5, 6
performance requirements - two parent family	3	IV.	3-6, 7
<b>Q.</b>			
<b>R.</b>			
relocation costs	14	II.K.	14-6
remedial education	8	D.	8-2
responsibilities of:			
ASPIRE-TANF staff	2	IV.C.3.	2-5
OFI eligibility staff	2	IV.C.2.	2-4, 5
return of purchased goods	14	II.M.	14-7
<b>S.</b>			
sanctionable acts	4	VI.	4-8, 9
scheduling procedures	3	VI.	3-7, 3-8
self-employment	13		13-2
	13		13-4, 5
service delivery areas	15		15-1, 2
service reduction	15		15-1, 2
suitable employment	13	III.E.	13-5, 6
support services	14		14-1 thru 9



	<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>
T.	Transitional Employment for Maine Parents (TEMP)	11	I., III.	11-1, 2, 3
	transportation	14	II.B.	14-3, 4
	two parent family	3	II.C.	3-3, 4
U.				
V.				
W.	work activities	1 3	IV.	1-5 3-5 thru 7
	work activity services	11	11-1, 2, 3	
	work evaluation	2 5 13	IV.C.3.b. I.A.	2-5 5-1 thru 5 13-1
	work experience	3	IV.	3-5 thru 7
	work readiness activities	8	II.E.2.	8-2
		<b>Working Cars for Working Families</b>	<b>18</b>	
X.				
Y.				
Z.				

~~(February 6, 2017) 1-1 Policy #23A~~

~~MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES~~

**SECTION 1: DEFINITIONS AND DESCRIPTIONS**

**I. Summary:** This section describes organizational units, programs, acronyms and significant terms pertaining to the ASPIRE-TANF program.

**II. DEFINITIONS**

Organizational units, programs, and their acronyms, and other significant terms pertaining to ASPIRE-TANF are defined below:

- A. Alternative Aid** — A voucher program which provides assistance to individuals who seek short-term assistance to obtain and/or retain employment pursuant to 22 M.R.S. § 3763(8). The intent of Alternative Aid is to assist families to remain self-supporting by providing vouchers to eligible families' worth to three months of TANF benefits.
- A.B. Alternative Education** — An educational program that embraces subject matter or teaching methodology that is not generally offered to students of the same age or grade level in traditional school settings.
- B.C. ASPIRE-Plus** — ASPIRE-Plus is an On-the-Job training program that provides an employer subsidy for up to 26 weeks, depending on the length of training time needed, of up to 50% percent of the hourly wage paid by the employer.
- C.D. ASPIRE-TANF** — "ASPIRE-TANF" stands for Additional Support for People in Retraining and Employment - Temporary Assistance for Needy Families. ASPIRE is the welfare employment and training program created by the Governor and the Maine Legislature in July 1988, to provide case management, education, training, support and employment services to help TANF recipients to find or create jobs in the local labor market.
- D.E. ASPIRE-TANF Unit** — A unit within the Department of Health and Human Services, Office for Family Independence, or an agent or contractor thereof, which provides ASPIRE-TANF services to TANF participants. These services include but are not limited to Assessment, prevocational activities, support services, Good Cause determination, case management and employment services.
- E.F. Assessment** — An individualized process designed to integrate the array of ASPIRE-TANF services with the educational and vocational needs, interests and abilities of each participant.
- F.G. Basic Literacy Level** — The capability to read and write at a level equivalent to an 8-9<sup>8th</sup> or 9<sup>th</sup> grade level as demonstrated either by an educational achievement test; maintaining a grade point average of at least 2.0 at a post-secondary institution; or having passed the reading portion of a high school equivalency test.

(XXX , 2020)

1-2

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**G.H. Case Management** — The process of identifying the needs of the participant and the participant's family, coordinating services appropriate to meet those needs, and monitoring the participant's progress through ASPIRE-TANF so the participant can gain the skills and support to obtain employment.

(XXX , 2020)

1-3

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**H.** ~~Child care, affordable<sup>\*,\*</sup>~~ — Affordable child care arrangements are those for which the participant incurs no cost or is reimbursed by another program such as ASPIRE or through a deduction for child care from income by the TANF program or by any combination of these methods.

**I.** \_\_\_\_\_

**I.** ~~Child care, appropriate<sup>\*,\*</sup>~~ — Appropriate child care is affordable child care furnished by a child care provider, of the participant's choice, who has passed background checks as required by 22 M.R.S. §§ 8301-A and 8302-~~A0;A.~~

**J.** \_\_\_\_\_

~~\* these definitions apply only to single parents with a child under age 6~~

~~(February 6, 2017) — 1 2 — Policy #23A~~

**J.K.** ~~Child care, reasonable distance<sup>\*,\*</sup>~~ — Reasonable distance means that the ASPIRE participant is required to commute no more than 15 additional miles between home and work activity in order to transport the child to the child care provider.

**L.** ~~Child care, unsuitability of informal care<sup>\*,†</sup>~~ — Unsuitable child care is that provided by an individual who cannot pass a required background check or is unaffordable or would require the ASPIRE participant to travel an unreasonable distance.

**M.** ~~Component~~ — Education, training and employment activities approved by ASPIRE-TANF including: ~~pre-training; educational activities through post-secondary level; job skills training; job readiness activities; group and individual job search; on-the-job training; and community work experience.~~

**N.** ~~Department of Health and Human Services (Department or DHHS)~~ — The agency authorized by Federal statutes to administer the ASPIRE-TANF program and other programs within the Office for Family Independence ~~as well as its agents and contracted providers.~~

**O.** ~~Education~~ — Activities including remedial-education, high school or equivalency, and post-secondary certificate programs designed to prepare the participant for employment.

**P.** ~~Exempt from the Time Limit~~ — ~~A TANF recipient who has a~~ ~~A~~ month or months that do not count against ~~his or her~~ ~~a participant's~~ 60-month time limit.

**Q.** ~~Exempt from Work Participation~~ — A TANF recipient who is not required to participate in ASPIRE-TANF in accordance with Federal or State regulations.

**R.** ~~Extension~~ — A one to six-month time period during which TANF benefits may be received, based on hardship, approved by the Department. ~~This~~An extension allows a household to

~~\* these definitions apply only to single parents with a child under age 6.~~

~~† these definitions apply only to single parents with a child under age 6.~~

(XXX , 2020)

1-4

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

receive benefits past its 60-month time limit, when the recipient is complying with program rules and meets all other TANF eligibility requirements.



(XXX , 2020)

1-5

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- S.** **Fair Hearing (also known as an Administrative Hearing)** — A hearing conducted before a Department of Health and Human Services hearings officer in which a participant has an opportunity to dispute a decision made by the Department. The hearings officer's decision is binding on all parties involved in the particular case.
- T.** **Family Contract** — A form signed by a representative of the Department and each TANF caretaker relative that states the responsibilities of the parties to the agreement, including but not limited to cooperation in child support enforcement and determination of paternity, and the requirements of program participation. The contract may also include referral to parenting activities and health care services where the need for such services has been established.
- U.** **Family Contract Amendment ~~–(FCA)–~~** The binding agreement ASPIRE participants enter into with the Department, ASPIRE Unit, pursuant to 22 M.R.S. ~~A. §~~ § 3788.(4-A). In these agreements, specific action steps are listed that both the Department and the participant agree to perform. ASPIRE support services to be provided are listed in the FCA.

~~\* these definitions apply only to single parents with a child under age 6~~

~~(February 6, 2017)~~

~~1-3~~

~~Policy #23A~~

- ~~H.V.~~** **Federal Department of Health and Human Services, Administration for Children and Families, Office of Family Assistance (HHS/ACF/OFA)** -- The federal agency that administers and regulates the TANF Program and other programs of the Department of Health and Human Services, Office for Family Independence, and provides block grant funds for these programs.
- W.** **Field Training** — A non-wage, time limited, training placement with a public, private non-profit or profit employer which enables the participant to explore a preliminary career decision, gain experience in the work world and/or improve specific job skills.
- X.** **Fraud, Investigation and Recovery Unit (FIRU)** — the unit in the ~~department~~Department responsible for investigating allegations of misuse, fraud, and over-payments. The unit also is responsible for seeking repayment when appropriate or referring the matter to the Attorney General's office for prosecution.
- Y.** **Food Supplement Employment and Training (FSET)** — The employment and training program administered under 10-144 C.M.R. Ch. 609, that provides case management, education, training, supports and employment services to help Food Supplement recipients find and keep jobs.
- Z.** **Gainful Employment** — Activities that a person can perform which are intended to provide an income and which are a source of consistent revenue for the worker, such as a steady job.
- AA.** **Good Cause** — Acceptable reasons, as determined by the Department of Health and Human Services, for a participant's failing or refusing to participate in ASPIRE-TANF or in a particular ASPIRE-TANF component.

(XXX , 2020)

1-6

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- BB.** **Higher Opportunity for Pathways to Employment (HOPE)** — The program administered under 22 M.R.S. § 3790-A, and 10-144 C.M.R. chapter 330, that provides support services such as child care and transportation and voluntary student navigation services to help low income students who are parents of minor children.
- CC.** **Intentional Program Violation –(IPV)** means that — An IPV occurs when an individual has purposely misused “cash benefits” or other benefits, and/or misrepresented actual circumstances in order to receive benefits, and the individual would not have been eligible had the proper information been available at the time of application, redetermination of eligibility, or within ten days of the change in circumstances. An IPV will result in a referral to the Fraud, Investigation and Recovery Unit (FIRU) for further review and recovery.
- DD.** **Job Club** — A structured and supervised job search group which assists participants in their efforts to obtain and retain employment.
- EE.** **Job Development/Placement** — Specific actions by ASPIRE-TANF or a service provider in identifying subsidized and unsubsidized jobs, marketing participants based on their career goals for those jobs and securing job interviews for participants.
- FF.** **Job Readiness** — Pre-training activities focusing on life management skills, work maturity skills, work place expectations and work behavior and attitudes necessary to succeed in the labor market.
- GG.** **Job Search** — Counseling and pre-employment training on job-seeking skills either individually or in groups. The group "Job Club" is the preferred job search activity.
- HH.** **Job Skills Training** — Vocational training focusing on the required skills, knowledge and abilities of a specific occupation or business.
- II.** **MaineServe** — A community service program designed to provide parents who are eligible for TANF opportunities to serve their communities and the State in a manner that assists them in developing and renewing their skills in ways that may lead to employment that is sufficient to sustain their families.
- JJ.** **Matriculation** — For the Parents as Scholars Program, matriculation is defined as acceptance and enrollment into any two-year or four-year academic program in an institution of post-secondary education.
- ~~(February 6, 2017) 1-4 Policy #23A~~
- KK.** **Net Loss of Cash income** — Net loss of cash income results if the family’s gross income, less necessary work-related expenses, is less than the TANF benefit and any other cash assistance the participant was receiving at the time the offer of employment is made.
- LL.** **Non-Compliance** — Failure of a mandatory ASPIRE recipient to sign or abide by the terms of the Family Contract Amendment without Good Cause, which will result in termination of

(XXX , 2020)

1-7

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

benefits to the individual for the lesser of ninety (90) days or until the failure to comply ceases.

- MM. Office for Family Independence (OFI)** — The organizational unit with the Department of Health and Human Services which administers the ASPIRE-TANF program. OFI also administers the following services: TANF, Food Supplement Benefits (SNAP), General Assistance, MaineCare, **HOPE**, Support Enforcement and Recovery, and Emergency Assistance.
- NN. On-the-Job Training (OJT)** — A means by which a participant is hired and trained in a specific occupation by a private or public employer who receives a partial reimbursement of wages paid for providing skills and training necessary to perform the job (See ASPIRE-Plus).
- OO. Order of Reference** — A document in which the Department’s Commissioner gives specific instructions to the Office of Administrative Hearings regarding the issues to be addressed at hearing and the handling of a hearing request. ~~This~~ **These instructions** may include, but ~~is~~ **are** not limited to, an instruction that the Hearing Office issue recommended findings and a recommended decision with the authority to make the final findings and decision reserved to the Commissioner.
- PP. Parents as Scholars Program (PaS)** — A student aid program based on need for up to ~~2000~~ **2,000** participants, to aid needy students who have dependent children and who are matriculating in post-secondary undergraduate 2-year and 4-year degree-granting education programs.
- QQ. Participant** — A TANF recipient who is involved in ASPIRE-TANF activities **or any individual receiving supports under one or more of the programs detailed in this Chapter.**
- RR. Period of Enrollment** — The time frame from the opening of activity with the ASPIRE-TANF program, until participation with ASPIRE-TANF is ended.
- SS. Pre-Training** — Activities designed to prepare the participant for occupational skills training, post-secondary education and employment. Such activities include secondary education programs, job readiness activities, employment counseling, field training, self-employment evaluation, and referral to services to improve life-management skills.
- TT. Sanctions** — Actions taken by the Department of Health and Human Services as a result of a participant's failing or refusing to participate in ASPIRE-TANF without Good Cause. These actions generally cause a reduction in TANF and Food Supplement benefits for a specified time period for participants who are not exempt, and a loss of services for a specified time for voluntary participants.
- UU. Satisfactory Progress** — The requirement that a participant meet standards of performance imposed by an educational or training institution and by ASPIRE-TANF while participating in an education or training activity.

(XXX , 2020)

1-8

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**VV. Support Services** — Services such as child care, transportation, eye and dental care, which enable the participant to complete the Family Contract Amendment and take employment.

~~(February 6, 2017) 1-5 Policy #23A~~

**WW. TANF Recipient** — An individual whose family's financial needs are met in part with TANF payments in accordance with the Maine Public Assistance Manual.

**XX. TANF Single Parent Family** — A TANF family which receives benefits under the program authorized in the Federal Social Security Act, as amended by the *Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996*, and the *Deficit Reduction Act (DRA) of 2005*, whose children are deprived of parental support or care by reasons other than the underemployment of the parent who is the principal wage earner, or the incapacity of a parent.

**YY. TANF Two Parent Family** — A TANF family which receives benefits under the program authorized in the Federal Social Security Act, as amended by the *Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996*, and the *Deficit Reduction Act (DRA) of 2005*, whose children are deprived of parental support or care either by reason of the underemployment of the parent who is the principal wage earner, or by reason of incapacity of a parent.

**ZZ. Time Limit** — The limit of 60 months during which a family may receive TANF assistance in the absence of the family qualifying for a time limit exemption or extension.

**AAA. Training and Work Site Agreement** — An agreement which is included as part of the Family Contract Amendment and which stipulates specific performance requirements for a participant enrolled in education, training and/or work experience.

**BBB. Transitional Employment for Maine Parents (TEMP)** — a volunteer work experience position.

**CCC. UP** — Unemployed Parent refers to the cases where TANF eligibility is based on the unemployment or under-employment of one of the parents in the household.

**DDD. Up-front Job Search** — Newly-granted TANF recipients who are considered job-ready, and who are eligible for TANF based on unemployment of the primary wage earner or single parent recipients whose children are 5 years of age or older, may participate in individual or group job search activities during the work evaluation phase of involvement with ASPIRE-TANF.

**EEE. Voluntary Participant** — A TANF recipient who is not required to participate, by Federal or State regulations but chooses to enroll in ASPIRE-TANF.

**FFF. Work Activities** — Work activities are those activities that are allowable under PRWORA (Sec. 407, (d)), and are listed in this manual in Section 3 (IV)(A)(3) and (IV)(B)(2).

(XXX , 2020)

1-9

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**GGG. Work Eligible Individual (WEI)** — An adult, or a minor child, who is a head of household, receiving assistance under TANF or a separate State program, who is not otherwise exempted from meeting a work requirement.

**HHH. Work Evaluation** — Consists of all activities related to Assessment, employability plan development and initial amendment to the Family Contract Amendment. Work evaluation is limited to a maximum of 90 days, unless extended by the Commissioner (or the designee of the Commissioner).

**III. Work Experience** — This is a generic term used to describe a variety of experiential activities (such as TEMP, On-the-Job Training, Community Service, etc.) that lead to, or include, employment.

~~(February 6, 2017) 1-6 Policy #23A~~

**JJJ. Work Readiness Activities** — These activities include job shadowing, job coaching, mentoring, situational assessment, and any other activity that will encourage obtaining or retaining employment.

**KKK. Working Cars for Working Families** — Transportation assistance program initiated by 22 M.R.S. § 3769-F, which assists participants in obtaining and maintaining sustainable employment by providing them with access to reliable, affordable transportation. This program is designed to be an employment support and to comply with applicable federal TANF regulations.

**END OF SECTION**

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 2: AUTHORIZATION, PHILOSOPHY, GOALS AND OBJECTIVES,  
ADMINISTRATION**

**Summary:** This Section cites authorizing statutes; presents the philosophy, goals and objectives; and describes the roles and responsibilities of administrative units of the ASPIRE-TANF Program.

**I. AUTHORIZATION**

The Department is authorized to operate the ASPIRE-TANF Program by the Federal Social Security Act, Titles IV-A and IV-F, as amended by the *Personal Responsibility and Work Opportunity Reconciliation Act of 1996* (PRWORA) and the *Deficit Reduction Act of 2005* (DRA); and by Maine Law (22 M.R.S. §3782-A *et seq.*).

**II. PHILOSOPHY**

- A. Employment to reduce welfare dependency is the central theme around which the Program operates, according to the Social Security Act as amended by the *Personal Responsibility and Work Opportunity Reconciliation Act* and the *Deficit Reduction Act*. ASPIRE-TANF coordinates a delivery structure which maximizes resources of the Department of Health and Human Services and other community resources. Consistent with the concept of reducing welfare dependency, the ASPIRE-TANF program recognizes the following principles as its operating philosophy:
1. TANF is a temporary income program to provide support while the individual moves towards employment.
  2. ASPIRE-TANF is an employment and training program, the services of which are intended to help participants reduce or avoid welfare dependency.
  3. ASPIRE-TANF assumes that all participants seek economic self-support; accordingly, the program will provide employment and training and related services to help participants move toward this goal.
  4. Expenditures made on behalf of participants represent society's investment in their human potential and accordingly, ASPIRE-TANF seeks to reduce welfare dependency, as a benefit to both participants and society.
  5. As a program concerned with the development of individual participants, ASPIRE-TANF recognizes the differing vocational needs, interests, and abilities of its participants. ASPIRE-TANF will plan with each participant to best meet those needs and to overcome barriers to employment.

***(II. A. PHILOSOPHY CONTINUES ON THE NEXT PAGE)***

**(II. A. PHILOSOPHY CONTINUED)**

6. ASPIRE-TANF will provide training, education and support services to its participants with the expectation that those participants will be placed in employment which will not result in a net loss of cash income, and with the greater expectation that most participants will obtain employment which will lead to benefits, wages and career ladders that will enable them to support their families.

**III. GOALS AND OBJECTIVES**

- A. The goals of the ASPIRE-TANF Program are set forth in *Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA)* and the *Deficit Reduction Act of 2005 (DRA)* and Maine law (22 M.R.S. §3782-A *et seq.*) as follows:
  1. Among the goals of the PRWORA is to, “provide assistance to needy families so that children may be cared for in their own homes or in homes of relatives; [and] end the dependence of needy parents on government benefits by promoting job preparation, work and marriage.”
  2. The goal of ASPIRE-TANF as stated in Maine law is " . . . to provide services and support to recipients of Temporary Assistance to Needy Families and to reduce dependence on public assistance to the extent that adequate funding is available for that purpose.” The principal goal is to focus on helping people obtain and retain employment that sustains their family.
- B. The objectives of ASPIRE-TANF are:
  1. To assure that TANF families obtain the services that will help them reduce or avoid welfare dependence and increase their quality of life;
  2. To encourage, assist, and require recipients of TANF to fulfill their responsibilities to support their children;
  3. To provide TANF recipients with the opportunity to acquire the education and skills necessary to qualify for employment;
  4. To provide necessary support services so that TANF recipients can participate in ASPIRE-TANF and become employed;
  5. To promote coordination of services at all levels of government, to increase accessibility to those services for participants, and maximize the use of existing resources;
  6. To emphasize accountability of both participants and services providers; and
  7. To meet performance standards as established by federal and state ASPIRE-TANF legislation.

**(IV. ADMINISTRATION NEXT PAGE)**

**IV. ADMINISTRATION**

- A. The ASPIRE-TANF Program is administered by the Department of Health and Human Services which has responsibility for program direction and oversight. OFI, through its regional offices and through contracts and agreements with community agencies, provides services to TANF recipients to help them obtain employment leading to a reduction in welfare dependency.
- B. In accordance with Federal and State authorizing legislation, OFI, as administrator of ASPIRE-TANF, makes the following assurances. OFI will:
1. Have in operation both a work program and a support services program which have been approved by the Secretary of the Department of Health and Human Services (HHS) and that meet all the requirements of the Social Security Act, PRWORA, DRA and Maine law.
  2. Ensure that the ASPIRE-TANF Program will meet all statutory and regulatory requirements.
  3. To the extent that resources permit, require non-exempt TANF recipients and allow volunteers to participate. The Department shall provide child care in accordance with federal and state law when the child care is necessary to permit a TANF-eligible family member to participate in the ASPIRE-TANF program.
  4. Ensure that participants are not discriminated against on the basis of race, sex, national origin, religion, age, or disabling condition under the ASPIRE-TANF Program.
  5. Ensure that participants will be assigned to ASPIRE-TANF Program activities in accordance with the provisions of the *Social Security Act* as amended by the PRWORA of 1996, the DRA of 2005 and Maine law (22 M.R.S. §3782-A *et seq.*)
  6. Ensure that benefits and services provided under the *Social Security Act* as amended by the PRWORA of 1996, DRA of 2005 will be delivered in an integrated fashion.
  7. Ensure that services funded or provided under ASPIRE-TANF are not otherwise available, of equal quality, on a non-reimbursable basis.
  8. Ensure that all recipients of TANF are encouraged, assisted and required to fulfill their responsibilities to support their children by preparing for, accepting, and retaining employment.
  9. Ensure that State and local funds expended for ASPIRE-TANF services shall be maintained at the level required by maintenance of effort provisions of the *Social Security Act* as amended by the PRWORA of 1996, and the DRA of 2005.

***(IV. B. ADMINISTRATION CONTINUES ON NEXT PAGE)***



***(IV. B. ADMINISTRATION CONTINUED)***

10. Ensure that Federal and State funds made available to OFI for the ASPIRE-TANF Program shall not be used to supplant non-Federal funds or any other funds which would otherwise be available for existing services and activities.
11. Ensure that all participants with disabilities have the right to request and receive, subject to adequate Federal and State funding, a reasonable accommodation in order to receive substantially the same program benefits as persons without disabilities.

In accordance with the *Americans with Disabilities Act (ADA)*, no qualified individual with a disability will, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of the Maine Department of Health and Human Services (DHHS), or be subjected to discrimination by DHHS.

C. The responsibilities delegated to the Office for Family Independence are:

1. Overall program administration including: establishing optional provisions and components of the program; program planning and design; determination of who should participate; establishment of participation requirements; development of definitions of Good Cause for failing to participate; and the issuance of policies, rules and regulations governing the program.
2. Taking certain actions regarding individuals including: determination of exemption status; providing case management services; monitoring for compliance of work participation requirements; determination of Good Cause for failure to participate; determination and application of sanctions; determination of extensions or exemptions from the 60-month time limit; providing notice of case actions, and fair hearings. (The conducting of fair hearings is delegated to the Department of Health and Human Services, Administrative Hearings Unit.)
3. Determining eligibility for TANF or PaS and issuance of monthly cash assistance benefits.
4. Having all TANF applicants sign a Family Contract, countersigned by OFI staff.
5. Determining whether TANF recipients are exempt from participation in ASPIRE-TANF.

***(IV.C. ADMINISTRATION CONTINUES ON NEXT PAGE)***

***(IV.C. ADMINISTRATION CONTINUED)***

6. Determining Good Cause related to eligibility issues, applying sanctions and sending notice of sanction actions.
7. Administering transitional child care, transitional transportation, MaineCare, Transitional Food Assistance, and TANF Working Families Supplement .
8. Representing OFI at Administrative Hearings related to eligibility and ASPIRE issues.
9. Determining the months that will count toward the 60-month time limit on benefits. Notifying individuals of their month count annually and providing notice to recipients 120 days prior to the end of their 60<sup>th</sup> month of TANF receipt that their time limit is imminent. This notice will include an explanation of time limit exemptions and extensions.
10. Providing comprehensive orientation to ASPIRE-TANF participants, either individually or in groups, regarding ASPIRE-TANF, participant rights and responsibilities and other pertinent information.
11. Conducting a work evaluation with each participant. This work evaluation consists of all activities related to Assessment and completion of amendments to the Family Contract Amendment.
12. Acting as case managers throughout the ASPIRE-TANF participant's period of enrollment. Case management includes counseling the participant regarding life-coping skills, brokering of support services, advocating for the participant and monitoring, evaluating and documenting the participant's progress in order to assist the participant to obtain the skills and support needed to become employed.
13. Providing on-going Assessment, and determining whether educational achievement, aptitude, skill or other testing is needed.
14. Providing direct services, such as pre-training activities (group exercises to enhance self-esteem, self-awareness and develop goals), support services (child care, transportation, etc.), and making referrals to agencies providing services.
15. Determining Good Cause for failing to participate.

***(IV.C. ADMINISTRATION CONTINUES ON NEXT PAGE)***

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(February 6, 2017)

2-6

Policy #23A

***(IV.C. ADMINISTRATION CONTINUED)***

17. Reviewing, approving and imposing sanctions and sending notice of other participant status changes to the OFI eligibility unit.
18. Developing resources to increase the amount, accessibility and quality of services for participants.

**END OF SECTION**

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 3: PARTICIPATION, PARTICIPANT PERFORMANCE REQUIREMENTS,  
PARTICIPANT SATISFACTORY PROGRESS, PROGRAM PERFORMANCE  
REQUIREMENTS, SCHEDULING APPOINTMENTS**

**Summary:** This Section contains the federal and state requirements for participation in ASPIRE-TANF, and satisfactory progress determinants. This Section includes appointment scheduling procedures.

**I. PARTICIPATION**

- A. The ASPIRE-TANF Program is a program for TANF recipients designed to provide participants with the necessary educational skills and training leading to employment. Title IV, Part A of the Social Security Act, as amended in 1996 by the *Personal Responsibility Work Opportunity Reconciliation Act (PRWORA)* and in 2005 by *The Deficit Reduction Act (DRA)* requires, where resources permit that TANF recipients, who are determined to be Work Eligible Individuals participate in an education, training or employment program. Work Eligible Individual means an adult, or a minor child who is a head of household, receiving assistance under TANF or a separate State program, who is not otherwise exempted from participation requirements. Recipients may be exempted from participation when permitted under State law in accordance with the Maine Public Assistance Payments Manual by the Office for Family Independence.
- B. The OFI Eligibility Unit is responsible for determining whether a TANF recipient is exempt from participation. TANF recipients who are otherwise exempt may volunteer to participate in the ASPIRE-TANF Program. The OFI Eligibility Unit is, therefore, responsible for assuring that both mandatory and volunteer participants are appropriately referred to the ASPIRE-TANF Unit.

**II. PARTICIPANTS PERFORMANCE REQUIREMENTS**

**A. All ASPIRE-TANF Households**

1. In order to meet federal work requirements, all TANF Work Eligible Individuals are required to participate in the ASPIRE-TANF program when funding is available, unless exempted from participation by the TANF eligibility worker for one of the following reasons:
  - a. An applicant or recipient who is the only custodial parent or caretaker relative of a child under one year of age and is personally providing care for that child, except that this exemption may be claimed for no more than a total of twelve (12) months per custodial parent or caretaker relative in a lifetime. An applicant or recipient may elect not to claim the exemption and if the recipient does not elect this exemption, he or she must participate in ASPIRE-TANF and comply with the requirements of the program.
    1. Parents and caretaker relatives under twenty (20) years of age who have not completed high school or its equivalent may not claim this exemption, and they must attend courses to complete high school, with an emphasis on education in a traditional high school setting.
  - b. A recipient who is a child in the assistance unit;

- c. An applicant or recipient who is a VISTA volunteer under the federal *Domestic Volunteer Service Act of 1973*;
  - d. An applicant or recipient parent or caretaker relative who is needed in the home to care for a disabled family member living in the household, provided that the disabled family member is not a full-time student. The need for the TANF-PaS recipient to care for the disabled family member must be verified at least every six months through statements by an acceptable medical or mental health source.
  - e. An applicant or recipient parent or specified relative who receives Social Security Disability Insurance (SSDI) benefits;
  - f. An applicant or recipient parent or specified relative who receives Supplemental Security Income (SSI).
2. TANF individuals may be exempted from participation in accordance with TANF Chapter II, Maine Public Assistance Manual, 10-144 C.M.R., Chapter 331, by the Office for Family Independence, in addition to the reasons set forth above.
  3. Component activities may be combined to reach the number of hours of program participation required by ASPIRE-TANF.
  4. Education, training and treatment is limited to a maximum of 24 consecutive months starting with the first day of participation in ASPIRE-TANF in any allowable and approved job skills or occupational skills training activity. The 24-month period may be extended by the Commissioner or the designee of the Commissioner for Good Cause shown. The participant must make all reasonable efforts to complete the education or training program within the normal time frames prescribed by the institution for completion.

**EXCEPTION:** Maximum of 24 consecutive months does not apply to the Parents as Scholars Program, described in Section 16.

However, ASPIRE-TANF recognizes that there are often circumstances such as a necessary change in program, family or personal problems, inability to carry a full course load and other factors which may prohibit timely completion. Therefore, if there is Good Cause ASPIRE-TANF will permit participants 1.5 times the normally expected time period for completion of the education or training program, up to the 24-month time limit. Extensions beyond the 24 month period require the approval of the Commissioner of DHHS, or the designee of the Commissioner.

5. The Department may approve a job skills or occupational training activity longer than 24 months provided the participant agrees to perform a minimum of thirty (30) hours a week of work site experience by no later than the end of the 24-month period. (NOTE: See section 16 for requirements for the PaS Program.) Qualifying work site experience may include, but is not limited to, unsubsidized employment, subsidized employment, Field Training, On-The-Job Training, Community Service activities, work study, training-related practicums or any other such work site approved by the Department. The 24-month period does not include periods of non-activity in which Good Cause has been determined.

6. The number of hours that a household can be required to participate in work experience and community service activities is determined by dividing the household's TANF and Food Supplement benefits by the state or federal minimum wage, whichever is higher, as described in Section 11. If the total is less than the minimum number of hours required by federal and/or state law, the difference will be made-up involving the participant in non-work activities, such as skills training or remedial education.

**B. ASPIRE-TANF One Parent Households**

1. Single parents receiving TANF who are considered job-ready, and whose children are 5 years of age or older, must participate in individual or group job search, depending on their needs and the resources of the local ASPIRE-TANF offices.
2. A participant who is the single custodial parent or caretaker relative of a child under age 6 will meet work requirements if she or he participates in work activities for at least an average of twenty (20) hours per week.
3. ASPIRE-TANF participants who are Work Eligible Individuals in one parent households will be required to participate in a countable work activity for a minimum of thirty (30) hours per week, unless Good Cause (Section 4, subsection III) has been granted by the program for fewer hours of participation or non-participation, or the ASPIRE Specialist determines that one or more of the following three activities are appropriate for some or all of the hours beyond twenty (20): job skills training directly related to employment; education directly related to employment; and satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence.

**C. Teen Parents**

1. ASPIRE-TANF Teen Parents (under age 20) have additional performance requirements under this section, subsection II (1)(a). These are:
  - a. A custodial parent under 20 years of age who is a recipient of TANF and has not completed high school or its equivalent must participate in the ASPIRE-TANF Program regardless of the age of the youngest child and attend courses to complete high school, with an emphasis on education in a traditional high school setting.

**D. ASPIRE-TANF Two Parent Households**

1. TANF two parent family members who are job ready must participate in individual or group job search depending on their needs and the resources of the local ASPIRE-TANF office.
2. Participation requirements for two parent families are regulated by State and Federal law.

State law requires each parent to participate in work activities in accordance with the Title IV, Part A of the *Social Security Act* as amended in 1996 by PROWRA and in 2005 by the DRA.

***(II.D.2. EXCEPTION ASPIRE-TANF TWO PARENT HOUSEHOLDS CONTINUES NEXT PAGE)***

***(II.D.2. ASPIRE-TANF TWO PARENT HOUSEHOLDS CONTINUED)***

**Exception:** in two parent families where eligibility is based on the incapacity of one of the parents, the family will be subject to the work participation requirements under II. A of this Section, excluding numbers 1. a. and 5 in that Section, as those only apply to households where there is only one parent present.

Federal law requires parents in families in which federal funds are being used to pay for child care to participate in work activities as described in IV(B)(2)(a) of this Section for a total of 50 hours per week, and also participate in the activities as described in IV(B)(2)(b) of this Section for an additional 5 hours per week.

If Federal funds are not being used to pay for the cost of child care, Federal law requires one or both parents to participate in the work activities as described in IV(B)(2)(a) of this Section for a total of 30 hours per week, and also participate in the activities as described in IV(B)(2)(b) of this Section for an additional 5 hours per week.

Parents in a two parent family, who are under the age of 20 and have not completed high school or successfully completed an equivalent course, will be given the choice of participating in an educational activity directed toward attainment of a high school diploma or its equivalent, in lieu of, or in combination with the work component activity.

**III. PARTICIPANTS' SATISFACTORY PROGRESS**

- A. Participants who enroll in any ASPIRE-TANF activity, (other than ASPIRE-PLUS (OJT) where employer expectations shall apply) must adhere to satisfactory progress requirements. These requirements will be listed on a Training or Work Site Agreement which is considered to be part of the Family Contract Amendment. The requirements include the following:
1. Participating as required by the activity and/or attending classes as scheduled.
  2. Reporting to ASPIRE-TANF any situation or circumstance which might affect continued participation in the activity.
  3. When applicable, making satisfactory progress in a secondary educational program as defined by the institution or program the participant is attending, which means meeting on a periodic basis of at least once a year a consistent standard based on written policy developed by the institution or program, and approved by the Maine Department of Education and ASPIRE-TANF.

***(III.A. PARTICIPANTS' SATISFACTORY PROGRESS CONTINUES ON NEXT PAGE)***

***(III.A. PARTICIPANTS' SATISFACTORY PROGRESS CONTINUED)***

4. For participants attending post-secondary programs, including the Parents as Scholars program, satisfactory progress will include, at a minimum, the participant maintaining a 2.0 grade point average (or its equivalent).
    - a. If a participant's semester (or its equivalent) or overall grade point average falls below 2.0, a maximum of one probationary semester (or its equivalent) will be permitted to allow the participant the opportunity to meet the 2.0 grade point average.
    - b. Providing ASPIRE-TANF/PaS with a copy of each class schedule, as it becomes available.
    - c. Providing ASPIRE-TANF/PaS a copy of the student financial aid award letter, as it becomes available.
    - d. Providing ASPIRE-TANF/PaS with copies of progress reports, such as grades, as they become available.
  5. Providing ASPIRE-TANF/PaS with verification of hours of attendance.
  6. If additional satisfactory progress standards are required by the institution, program, training or work site, or by ASPIRE-TANF/PaS, then these will be incorporated into the participant's written Family Contract Amendment. See Section 7, "Family Contract Amendment," for further information.
- B. Failure of the participant to meet satisfactory progress requirements will result in the withdrawal of support for the activity and application of sanctions unless there is Good Cause for failing to meet the requirements.

**IV. PROGRAM PERFORMANCE REQUIREMENTS**

- A. Mandatory ASPIRE-TANF program performance for all TANF families.
1. Federal law sets forth work requirements for all TANF families. These include the hours per week that must be worked and the percentage of the overall TANF caseload that the ASPIRE-TANF Program must place in work activities.  
  
Fifty percent (50%) of all TANF families must participate in countable work activities, at least, an average of 30 hours each week.
  2. The number of hours a TANF recipient is considered participating includes only the time involved in actual scheduled program activities, and not the time spent in traveling to and from the activity, nor the time spent in traveling to and from the child care provider.
  3. Allowable ASPIRE-TANF Program work activities to be counted toward hours of work requirement participation and participation rates for all TANF families are as follows:

***(IV.A.3. PROGRAM PERFORMANCE REQUIREMENTS CONTINUES ON NEXT PAGE)***



***(IV.A.3. PROGRAM PERFORMANCE REQUIREMENTS CONTINUED)***

- a. Countable toward the first 20 hours of participation each week are:
- Unsubsidized Employment – includes “Paid Employment”, Self-Employment, On-the-Job-Training, Work Study, ASPIRE Child Care Employment, and Apprenticeship.
  - Subsidized Employment
  - Work Experience – includes Field Training (skills)
  - On-the-Job-Training – On –the-Job-Training is considered to be Unsubsidized Employment
  - Job Search and Job Readiness (6 weeks in any 12-month period – 12 weeks in any 12-month period for States with Needy State status) – Job Search and Job readiness activities include Individual Job Search, Group Job Search, Pre-Vocational (ASPIRE), Pre-Vocation (referred), Substance Abuse/Mental Health Treatment, Field Training (readiness), Placement Assistance, and Job Development.
  - Community Service Programs – Activities include TEMP, and Volunteering.
  - Providing Child Care Services to an Individual Who is Participating in a community service Program.
  - Vocational Educational Training – Activities include Associate’s Degree (PaS), BA/BS Degree (PaS), College Courses, Community College Degree (PaS), Community College Certificate, Community College Courses, High School Equivalency (HSE) programs, Adult Basic Education (ABE), English for Speakers of Other Languages (ESOL), Employer Sponsored Training, and Technical/Trades Courses. One hour of study time will be counted toward participation for every verified hour of classroom participation.
- b. Countable after the first twenty (20) hours of participation each week:
- All activities listed in Section 3(IV)(A)(3)(a), plus
  - Job Skills Training Directly Related to Employment – Activities include all activities listed in Vocational Educational Training.
  - Education Directly Related to Employment – Activities include Adult Basic Ed (ABE), English for Speakers of Other Languages (ESOL), Adult Ed (diploma); High School, and high school equivalency preparation.

***(IV. PROGRAM PERFORMANCE REQUIREMENTS CONTINUES ON NEXT PAGE)***

***(IV. PROGRAM PERFORMANCE REQUIREMENTS CONTINUED)*****B. Mandatory ASPIRE-TANF Program Performance for Two Parent families receiving TANF**

1. Federal law sets forth additional work requirements for parents in two parent families. Two parent families are defined as TANF families with 2 or more Work Eligible Individuals. These include the hours per week that must be worked, or hours involved in work activities, and the percentage of the two parent population that the ASPIRE-TANF Program must place in work activities.

Ninety percent (90%) of TANF 2-Parent families must be participating in work activities an average of 35 hours each week or 55 hours each week, if child care is a provided service

2. Allowable ASPIRE-TANF Program activities to be counted toward hours of work requirement participation and participation rates for parents in two parent families are as follows:
  - a. Countable toward the first thirty (30) hours of participation each week: Unsubsidized Employment – includes “Paid Employment”, Self-Employment, On-the-Job-Training, Work Study, ASPIRE Child Care Employment, and Apprenticeship.
    - Subsidized Employment
    - Work Experience – included Field Training (skills)
    - On-the-Job-Training – On-the-Job-Training is considered to be Unsubsidized Employment
    - Job Search and Job Readiness (6 weeks in any 12-month period – 12 weeks in any 12-month period for States with Needy State status) – Job Search and Job Readiness activities include Individual Job Search, Group Job Search, Pre-Vocational (ASPIRE), Pre-Vocational (referred), Substance Abuse/Mental Health Treatment, Field Training (readiness), Placement Assistance, and Job Development.
    - Community Service Programs – Activities include TEMP, and Volunteering.
    - Providing Child Care Services to an Individual Who is Participating in a Community Service Program.
    - Vocational Educational Training – Activities include Associate’s Degree (PaS), BA/BS Degree (PaS), College Courses, Community College Degree (PaS), Community College Certificate, Community College Courses, High School Equivalency (HSE) programs, Adult Basic Education (ABE), English for Speakers of Other Languages (ESOL), Employer Sponsored Training, and Technical/Trades Courses. One hour of study time will be counted toward participation for every verified hour of classroom participation.

***(IV.B.2. PROGRAM PERFORMANCE REQUIREMENTS CONTINUED)***

- b. Countable after the first thirty (30) hours of participation each week:
- All activities listed in Section 3, (IV)(A)(3)(a); plus
  - Job Skills Training Directly Related to Employment – Activities include all activities listed in Vocational Education Training ; and
  - Education Directly Related to Employment – Activities include Adult Basic Ed (ABE), English for Speakers of Other Languages (ESOL), Adult Ed (diploma); High School, and high school equivalency preparation.

**V. SCHEDULING PROCEDURES**

- A. FIRST APPOINTMENT FOLLOWING ORIENTATION TO CREATE FAMILY CONTRACT AMENDMENT (FCA) - ASPIRE-TANF will notify participants in writing of the scheduled appointment for an Assessment. The notice will indicate the date and time of appointment, and will indicate the participant's rights and responsibilities on the reverse side. The letter will state that if unable to attend, the participant must notify ASPIRE-TANF prior to the appointment date.
- B. If the participant fails to appear for the appointment, and fails to provide the ASPIRE-TANF office on or before the date of the appointment with Good Cause (as determined by ASPIRE-TANF), a Notice of Sanction will be sent to OFI to apply a sanction. Please see Section 4, III. for information regarding Good Cause.
- C. SUBSEQUENT APPOINTMENTS - After the participant's first amendment to the Family Contract, scheduling for additional appointments may be done at the discretion of ASPIRE-TANF, either by placing the time and date of the appointment on the Family Contract, by sending the participant an appointment letter, or by orally scheduling the appointment. If the participant fails to appear for the appointment with ASPIRE, or with any of the service providers included in the Family Contract Amendment, and fails to provide the ASPIRE-TANF office on or before the date with Good Cause (as determined by ASPIRE-TANF), steps outlined in Section 3, sub-section V, B, will be followed.

**END OF SECTION**

(February 6, 2017)

4-1

Policy #23A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAMS RULES**

**SECTION 4: CONFIDENTIALITY, PARTICIPANT'S RIGHTS AND RESPONSIBILITIES, GOOD CAUSE, FAIR HEARINGS, SANCTIONS, INTENTIONAL PROGRAM VIOLATIONS, OVERPAYMENT PROCEDURES**

**SUMMARY:** This Section summarizes participants' rights and responsibilities including fair hearings, grievance procedures, and confidentiality. The Section also outlines Good Cause and sanctionable actions.

**I. CONFIDENTIALITY**

- A. Release of information about a participant to other Offices and Divisions within the Department of Health and Human Services or agencies under contract with ASPIRE-TANF, will be made only when such release is directly related to the administration of the ASPIRE-TANF activity for which information is needed.

Release of information to entities, other than those within the Department or agencies under contract with ASPIRE-TANF regarding participants will be made only upon receipt of written permission from the participant affected. This general rule relating to release of information applies to all requests from outside of the Department including other governmental authorities (local, State and Federal), courts of law, and law enforcement agencies, except as provided in Section 4, Subsection I, B. No information will be given to an absent parent concerning a participant without the written permission of said participant.

In addition, when information is sought and the participant's permission is furnished, ASPIRE-TANF will disclose only such information as is directly related to the administration of ASPIRE-TANF or the agency requesting the information.

- B. Exceptions to the requirement of obtaining the participant's written permission for release of information outside the Department are as follows:
1. In an emergency situation when the participant's consent for release of information cannot be obtained, and ASPIRE-TANF decides it is in the best interest of the participant to release the requested information, ASPIRE-TANF may release such information without written permission of the participant, with approval of a supervisor or supervisor's designee. The participant will be notified as soon as possible about the release and the reason for such release.
  2. Release of information to employers may be made as part of a job development or ASPIRE-Plus/OJT contract development activity providing that activity is included in the Family Contract Amendment which has been signed by the participant.

***(I.B. CONFIDENTIALITY CONTINUES ON THE NEXT PAGE)***

(July 20, 2020)

4-2

Policy #27A

***(I.B. CONFIDENTIALITY CONTINUED)***

3. If a subpoena or order is issued from a court for a case record, or for ASPIRE-TANF staff to testify concerning a participant, ASPIRE-TANF will call the court's attention to statutory provisions and regulations against disclosure of information. The decision regarding release of information will reside with the presiding judge.
  4. A participant's current address only may be made available to Federal, State or local law enforcement officers if the officer furnishes ASPIRE-TANF with the participant's name and demonstrates that:
    - a. The participant is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the individual flees, for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the individual flees; or
    - b. The participant is violating a condition of probation or parole imposed under Federal or State law; and
    - c. The location or apprehension of the a participant is within the officer's official duties; and
    - d. The request is made in proper exercise of those duties.
  5. In circumstances other than those covered in Section B, 4, when ASPIRE-TANF employees are asked by a law enforcement officer for the current address or other information regarding a participant, the employee should State that ASPIRE-TANF has no legal authority to disclose the information; but that ASPIRE-TANF will contact the participant and ask for permission to discuss the information, or to encourage the participant to come forward.
- C. With advance written notice of one working day a participant, or a participant's designated representative, may view the contents of the case record during normal business hours and on the premises where the case record is normally kept. Upon request, ASPIRE-TANF will make photocopies of relevant portions of the case record for the participant, or the designee, to take from the premises. The provision for advance written notice of one working day will be waived in instances where a supervisor meeting, or similar event, has been scheduled within twenty-four hours of its being requested.

Information contained in the case record and deemed confidential by ASPIRE-TANF (e.g., names of persons providing information, or information about other persons, of which the participant should not be aware and which has no bearing on the participant's right to due process) must be removed, de-identified or deleted prior to the participant viewing the record. Information removed from the case record will not be used by either party in hearings or similar proceedings.

***(I.D. CONFIDENTIALITY CONTINUES ON NEXT PAGE)***

**(I. CONFIDENTIALITY CONTINUED)**

- D. ASPIRE-TANF will take all necessary precautions to ensure that paper case records and other information regarding participants are kept, when not in use, in filing cabinets or drawers out of public view. Case records may be viewed by supervised ASPIRE-TANF trainees, temporary employees or contractors who have signed a Statement informing them of their responsibilities to ensure client confidentiality.

**II. PARTICIPANTS' RIGHTS AND RESPONSIBILITIES**

- A. Participants will be notified orally of their rights and responsibilities at the time of the Assessment interview and when a sanctionable act is committed if ASPIRE-TANF is able to meet face-to-face with the participant.
- B. A Notice of Rights and Responsibilities will be printed on the reverse side of all correspondence sent to participants as well as on the Family Contract Amendment and other ASPIRE-TANF documents signed by the participant.
- C. The Notice of Rights and Responsibilities will include a description of sanctions and participant rights and responsibilities including fair hearings.
- D. Federal law and regulations require that mandatory participants who fail without Good Cause to comply with ASPIRE-TANF program rules be sanctioned for failure to comply. Failure of a mandatory ASPIRE recipient to attend ASPIRE appointments or to sign or abide by the terms of the Family Contract Amendment without Good Cause will result in termination of benefits to the individual for the lesser of ninety (90) days or until the failure to comply ceases. TANF cash assistance for the remainder of the eligible family members will continue, if they are otherwise eligible for TANF. Should the first failure to comply last for longer than 90 days or for a second and subsequent non-compliance, TANF cash assistance for the full family unit will be terminated. Food Supplement (SNAP) benefits may also be reduced for a specified period. Non-mandatory participants who do not comply with ASPIRE-TANF program rules may have services and support withdrawn, but TANF and Food Supplement (SNAP) benefits will not be reduced.
- E. Any participant who has Good Cause for failure to comply with ASPIRE-TANF program rules as determined by ASPIRE-TANF will not be sanctioned.
- F. Participants who disagree with ASPIRE-TANF decisions have the right to an Administrative Hearing, sometimes referred to as a Fair Hearing (Section 4, IV).
- G. The ASPIRE-TANF program is obligated by Federal regulations and State law to protect the basic rights and dignity of participants by ensuring confidentiality of information concerning those participants.
- H. The *Deficit Reduction Act of 2005* requires States to report actual, verified hours of activity of TANF recipients. ASPIRE participants must provide verification of their hours of participation in ASPIRE activities.

**(III. GOOD CAUSE ON NEXT PAGE)**

### III. GOOD CAUSE

- A. A finding of Good Cause allows the participant to temporarily suspend compliance with ASPIRE-TANF rules and policies, including participation in a particular activity. It is the responsibility of the participant to demonstrate to ASPIRE-TANF staff that Good Cause exists. ASPIRE-TANF staff will determine whether Good Cause exists based on the information and verification provided by the participant. In addition, Good Cause can be granted by OFI Eligibility staff at the time of application in instances where participation in ASPIRE-TANF would not be in the best interests of the TANF recipient (e.g., domestic violence situations). Please refer to the Maine Public Assistance Manual for further information.
- B. Good Cause for failure to comply with ASPIRE-TANF rules is the following:
1. Illness or advanced age of the participant, or illness or incapacity of a household member that requires the participant to provide care in the home. Verification by a physician may be required.
  2. Court-required appearance or incarceration.
  3. A crisis, special circumstances, or other reason that the Department determines to be Good Cause that causes an individual to be absent from or discontinue a Department activity, about which the Department has been advised, including lack of transportation or childcare necessary for participation when the individual does not have a reasonable alternative to enable the individual to participate.

If an individual has access to transportation that is reasonable under the circumstances through any program at the Department, the individual is ineligible to receive Good Cause based on lack of transportation.

4. Inability to participate due to domestic violence when the individual is unable to participate because of physical injuries or the psychological effects of abuse; because of legal proceedings, counseling or other activities related to abuse; because the abuser actively interferes with the individual's participation; because the location puts the individual at risk; or for other Good Cause related to domestic violence. Reasonable and verifiable evidence may include, but is not limited to, the following:
  - a. court, medical, law enforcement, child protective, social services, psychological or other records that establish that the individual has been the victim of domestic violence; or
  - b. sworn statements from persons other than the individual with knowledge of the circumstances affecting the individual; or
  - c. visual observation by ASPIRE-TANF staff of physical injuries.

***(III. GOOD CAUSE CONTINUES ON NEXT PAGE)***

***(III. GOOD CAUSE CONTINUED)***

- C. Good Cause for failure to accept employment or for quitting employment includes those items listed in Section III, (B), and the following:
1. The employment does not pay at least the Maine minimum wage.
  2. The employment is dangerous to health or safety.
  3. Daily commuting time or daily distance is more than a two hour round trip commute from the participant's residence.
  4. The participant is not physically and/or mentally able to do the job.
  5. The participant is required to join or quit a union.
  6. There is a legal strike or lock-out or other bona fide labor dispute at the work site.
  7. The job or work hours interfere with the participant's religious beliefs.
  8. Community resources (e.g., transportation and child care) necessary for participation in employment are not available.
  9. The employment offered interrupts a program in progress under an approved Family Contract Amendment.
  10. The participant is laid off and job-attached as defined by Unemployment Insurance law.

D. Good Cause Procedure:

When a participant is notified that they failed to comply with ASPIRE-TANF rules and they claim, either orally or in writing, within five working days of receiving the notification, that they have Good Cause, the Department or the Department's representative shall offer to meet with the participant.

The Department or the Department's representative will schedule a meeting with the participant. A meeting will be scheduled by:

1. The Department or the Department's representative contacting the participant by phone and agreeing on a location, date and time which is at least five days from the date of the phone contact; or
2. A written scheduling notice mailed to the participant, when phone attempts for scheduling are unsuccessful. A written scheduling notice will be mailed to the participant a minimum of seven calendar days prior to the meeting date.
3. The meeting may be conducted by phone, as scheduled a minimum of five days in advance.

***(III. . GOOD CAUSE CONTINUES ON NEXT PAGE)***



***(III. GOOD CAUSE CONTINUED)***

E. Meeting Requirements:

1. The Department or Department's representative will:
  - a. Present a notice describing Good Cause and the participant's rights to request Good Cause; and
  - b. Verbally explain to the participant the reasons for which Good Cause may be granted and the participant's right to apply for Good Cause verbally or in writing; and
  - c. Provide an opportunity for the participant to request Good Cause either wholly or in part.
2. The Department or Department's representative will make a written record of the meeting including documenting that the participant was given the notice describing Good Cause, the opportunity to request Good Cause and the participant's reason for requesting Good Cause.

F. Meeting Result:

1. The Department's representative shall make a recommendation on the participant's request for Good Cause, including the basis for the recommendation, in writing.
2. The Department shall issue a final determination notice approving or denying, wholly or in part, the participant's request for Good Cause. This notice will include the reasons for the Good Cause decision and the participant's right to a fair hearing.
3. The Department may deny Good Cause if the participant fails to attend the scheduled meeting under Section E. above.

***(IV. FAIR HEARINGS ON THE NEXT PAGE)***

**IV. FAIR HEARINGS**

- A. A participant who disputes an ASPIRE-TANF decision, including either involving the ASPIRE-TANF Family Contract Amendment (including suspension, reduction, overpayment, or the discontinuation of program services), or the allegation by ASPIRE-TANF that an act of non-compliance or a sanctionable act has been committed, has the right to a fair hearing, provided the request for a fair hearing is made timely. ASPIRE-TANF or OFI eligibility staff will complete the fair hearing request on behalf of the participant and forward it to the Administrative Hearings Unit. See 10-144 CMR Ch. 331, Maine Public Assistance Manual (TANF) Chapter VI, for additional information on the Fair Hearings and Administrative Hearings.
- B. The request for a fair hearing must be made within thirty (30) calendar days of the issuance of the notice of action which is disputed. If the disputed decision involves suspension or termination of ASPIRE-TANF services which have been previously granted or reduction of TANF or Food Supplement (SNAP) benefits, and the participant requests a fair hearing within ten (10) days of the notice, ASPIRE-TANF services and/or TANF and Food Supplement (SNAP) benefits will continue pending outcome of the fair hearing.
- C. ASPIRE-TANF will offer to assist the participant in contacting free legal counsel and will otherwise assist the participant in preparing for the fair hearing as may be necessary.
- D. At the fair hearing, the participant has the right to:
1. be assisted by a representative of the participant's choice;
  2. present witnesses;
  3. examine and introduce evidence from the case record, and examine and introduce any other pertinent Department documents;
  4. present and establish all relevant facts and circumstances by oral testimony and documentary evidence;
  5. advance any pertinent arguments without undue interference;
  6. question any testimony, and confront and cross-examine adverse witnesses.

***(V. SANCTIONABLE ACTS ON THE NEXT PAGE)***

(February 6, 2017)

4-8

Policy #23A

**V. SANCTIONABLE ACTS**

- A. TANF recipients are expected to enroll and participate in ASPIRE-TANF activities, and every effort will be made to encourage the cooperative participation by both mandatory and voluntary participants.

When a participant fails to participate, as required by ASPIRE-TANF rules, a sanction may occur.

- B. A sanctionable act is one which can result in the loss of TANF and Food Supplement (SNAP) benefits for a period in accordance with OFI eligibility rules. The following will be considered sanctionable acts unless Good Cause is established:
1. Failure or refusal to keep an initial Assessment appointment. The participant will receive the Assessment appointment scheduling information in writing.
  2. Failure or refusal to keep additional appointments required by ASPIRE-TANF, scheduled either by including appointment details on the Family Contract Amendment, by a written appointment letter, or by scheduling the appointment verbally.
  3. Failure or refusal to sign, or abide by the provisions of the Family Contract, Family Contract Amendment, Training Agreement, or Work Site Agreement, or failure or refusal to abide by performance or satisfactory progress standards listed in a Family Contract Amendment, Training Agreement, or Work Site Agreement.
  4. Seriously disrupting an ASPIRE-TANF activity, including employment, or behaving in a manner which constitutes a threat, hazard or risk to others, including an activity site agency or business.
  5. Failure or refusal to report to an employer when referred; make application or accept suitable employment; voluntarily quitting a job or reducing wages without Good Cause; or being discharged for misconduct (refer to Section 4, (III)(C) for Good Cause reasons).

OFI may not sanction a single custodial parent with a child under age 6 based on the parent's refusal to engage in required work if she or he demonstrates an inability to obtain needed child care which is appropriate, affordable, and suitable.

***(VI. SANCTIONING PROCEDURES ON THE NEXT PAGE)***

(February 6, 2017)

4-9

Policy #23A

**VI. SANCTIONING PROCEDURES**

- A. Prior to imposing a sanction against an individual, ASPIRE-TANF must complete a sanction determination process, which includes the following:
1. Thoroughly review the circumstances of the individual.
  2. Make a sanction recommendation.
  3. Obtain supervisory approval of the recommendation of the ASPIRE Specialist to begin the sanction process.
  4. A notice of noncompliance will be completed by ASPIRE-TANF staff, and will be forwarded to the appropriate workers for initiating the sanction process.
  5. The sanction process will be initiated according to Maine Public Assistance Manual (TANF), Chapter II. The sanction will take effect no sooner than 12 workdays from the date of the notice of decision set forth in Section 4, VI(A)(6), below.
  6. The individual will receive a notice of decision that states the basis for the sanction, including the appropriate ASPIRE-TANF rule citations and the right to appeal the decision, and a complete list of Good Cause reasons as set forth in 22 M.R.S. §3785.
  7. The participant will have 10 workdays from the date of the notice of decision to respond to the notice to the caseworker by:
    - a. disputing the allegations;
    - b. providing information showing Good Cause;
    - c. taking the necessary steps to stop the sanction process, such as completing the requirement that caused the sanction process to be initiated; or
    - d. appealing the notice of decision:
      - (i) if the appeal is requested within 10 workdays from the date of the notice, benefits stay open.
      - (ii) if the appeal is after 10 workdays from the date of the notice, but within 30, benefits will close in the same manner as described in the notice of decision.
  8. A supervisor shall stop the sanction process if:
    - a. factual allegations giving rise to the initiation of the sanction process are proven incorrect, per Section 4, VI(A)(7)(a);
    - b. Good Cause has been verified; or
    - c. the necessary steps have been taken to stop the sanction process.

***(VI.A. SANCTIONING PROCEDURES CONTINUES ON THE NEXT PAGE)***

(February 6, 2017)

4-10

Policy #23A

***(VI.A. SANCTIONING PROCEDURES CONTINUED)***

9. If a supervisor finds Good Cause, he or she shall offer reasonable alternative participation requirements, and document them in the participant's Family Contract Amendment and case record.
  10. OFI shall provide the participant written notification of the decision made by ASPIRE-TANF staff concerning a claim made pursuant to Section 4, VI(A)(7)(a) or (b).
  11. If the Hearing Officer rules that a sanction has been imposed in error, the Department will correct the error and remedy the case by restoring appropriate benefits, per the Maine Public Assistance Manual (TANF) rules.
- B. OFI shall maintain data on sanctions, including the number of sanctions recommended and results of supervisory reviews.

**VII. OVERPAYMENT PROCEDURES**

- A. When a support service (e.g., child care, transportation, auto repairs, etc.) payment amount is determined to be incorrect as a result of an agency or participant error, or false information presented by the participant, then an overpayment must be calculated. This information is forwarded to an OFI Overpayment Specialist, who will determine the recoupment amount from the TANF or PaS check, according to TANF policy (Maine Public Assistance Manual, Chapter VI, pgs. 14 - 17).
- B. Prior to forwarding the overpayment information to the Overpayment Specialist, the ASPIRE-Specialist will contact the participant in writing about the overpayment. The participant will have 10 days from the mailing date to respond to the ASPIRE Specialist. The participant will be notified in writing of the right to an Administrative Hearing.
- C. If the participant fails to respond to the letter about the overpayment, or if following a response the ASPIRE Specialist determines that the overpayment still exists, the overpayment information will be sent to the TANF worker for action.
- D. If an overpayment is established OFI may refer the case to the Fraud Investigation and Recovery Unit for action.
- E. If an ASPIRE payment is made directly to a provider who has misled or misrepresented their services provided or fees, an overpayment will not be the responsibility of the participant. This overpayment will be referred to the Fraud Investigation and Recovery Unit for action.

***(VIII. INTENTIONAL PROGRAM VIOLATION ON THE NEXT PAGE)***

(February 6, 2017)

4-11

Policy #23A

**VIII. INTENTIONAL PROGRAM VIOLATION**

- A. Intentional program violations (IPVs): if the ASPIRE Specialist determines that an action taken by a participant (such as submitting false bills for payment) is taken with the intention of receiving financial assistance to which the individual is not entitled, a referral to the OFI Overpayment Specialist will be made, providing the information and documentation that will allow the Overpayment Specialist, in collaboration with the Fraud, Investigation and Recovery Unit (FIRU), to decide if an IPV hearing is warranted (according to the rules as set forth in the Maine Public Assistance Manual (TANF), Chapter VI, pages 18 - 30), and to schedule the hearing. The ASPIRE Specialist will be present at the IPV hearing to participate as needed.
- B. Restrictions on the use of the EBT system (*See TANF/Maine Public Assistance Manual, Chapter VI Administrative Procedures; Section - Electronic Benefits Transfer (EBT) System*). Unauthorized spending of benefits will result in an Intentional Program Violation (IPV) and, when discovered, a referral will be made to the Fraud, Investigation and Recovery Unit (FIRU) for further review and recovery. This includes the intentional misuse of ASPIRE support service benefits.

**END OF SECTION**

(February 6, 2017)

5-1

Policy #23A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 5: WORK EVALUATION PROCESS**

**Summary:** This Section describes the parts of the Work Evaluation, which is the period of time, not to exceed 90 days, during which recipients complete the orientation process, complete an Assessment for determination of ASPIRE-TANF services that are needed, are informed of their rights and responsibilities, and amend the initial Family Contract.

It is during the Evaluation that a determination of eligibility for the Parents as Scholars program is completed (It is important to note that application for the PaS program can occur at any point during participation in ASPIRE-TANF). See Section 16 for further information about the PaS program.

**I. GENERAL PROVISIONS**

- A. Each TANF recipient who is mandated to participate, or volunteers to participate, in the ASPIRE-TANF Program will complete an Assessment which will be part of the evaluation to determine the services required to meet the employment goal that is mutually agreed upon by ASPIRE-TANF staff and the participant. As a part of the orientation process for TANF and ASPIRE, all participants must be given the opportunity to apply for any education, training and employment and support services at the office of the program serving the area in which the individual lives.

At orientation, each participant shall receive a complete list of all support services and education, training and employment services available under the ASPIRE-TANF program. A written copy of each Family Contract Amendment must be given to the participant (including subsequent Family Contract Amendments), together with a complete list of all support services and education, training and employment services available under the program, and notice of the participant's right to request a fair hearing.

A participant may request a new Family Contract Amendment at any time. If the participant's request is denied, the participant must be notified in writing of the reason for the denial and must be given notice of the right to a fair hearing. The services provided by ASPIRE-TANF are those that will lead to sustainable employment, and possible penalties for failing to comply with ASPIRE-TANF Program rules must be explained (verbally and in writing) to participants. The final determination as to the content of the Family Contract Amendment will be decided by ASPIRE-TANF staff utilizing the Assessment process and, to the maximum extent possible, the preferences of the participant.

Services requested will be approved or denied by ASPIRE-TANF within thirty (30) days of request based on the availability of, and funding for, the services, and/or whether it is necessary to complete the Family Contract Amendment. Reasons for denial will be indicated on the notice to the participant together with appropriate citations from ASPIRE-TANF rules. A participant who disagrees with the denial has a right to a fair hearing.

*(I.B. GENERAL PROVISIONS ON THE NEXT PAGE)*

(February 6, 2017)

5-2

Policy #23A

***(I. GENERAL PROVISIONS CONTINUED)***

- B. During the Assessment process, information about the participant will be gathered that will include but will not necessarily be limited to:
1. **Family Structure** - including numbers and ages of children, other dependents (in and out of household), and significant other (in and out of household).
  2. **Work History** - Both paid and unpaid.
  3. **Education Grade Completed** - including types of courses and institutions attended.
  4. **Financial Status** - including source(s) of income, expenditures and projected need.
  5. **Physical and Mental Health Status** - of the participant and family members.
  6. **Environmental Support Systems** - including the housing situation, child care arrangements and transportation.
  7. **Personal and Employment related goals and interests** - the participant's stated personal and employment goals, if known.
  8. **ASPIRE-TANF Services Necessary to Obtain Sustainable, Paid Private and Public Employment**
  9. **Barriers to Employment** - including physical and mental health issues; domestic violence indicators; substance abuse; and other barriers that need to be overcome to move towards self-support. If Good Cause for non-participation is found during the Assessment process, it will be documented in the participant's case record. Review of Good Cause circumstances will occur at least every three (3) months or according to timelines established by supporting documentation, whichever comes first.

**C. PROCEDURES**

1. During the Assessment, information obtained from the ASPIRE-TANF participant, during interview(s) and from other sources will be expanded upon. In addition, the following information will be discussed and obtained:
  - a. The participant's reaction to employment experiences, if any.
  - b. The participant's reaction to educational experiences.
  - c. Whether there is an emotional and environmental support system and whether it is adequate.
  - d. Community and family resources available to the participant.

***(I.C.1.e. GENERAL PROVISIONS ON THE NEXT PAGE)***



(February 6, 2017)

5-3

Policy #23A

*(I.C.1. GENERAL PROVISIONS-PROCEDURES CONTINUED)*

- e. The participant's behavioral patterns and whether they are functional.
  - f. The participant's life management skills (e.g. parenting skills, budgeting, health care, etc.). Community referrals will be made as needed where resources are reasonably available.
  - g. The participant's decision-making skills.
  - h. Substance abuse issues as appropriate. Referrals for evaluation may be made.
  - i. The participant's motivation level and whether goals are achievable, and whether the goals and interests will lead to employment or self-employment.
  - j. Achievement level (knowledge, skills and abilities).
  - k. Aptitude level.
  - l. ASPIRE-TANF will provide all applicants for assistance with information both orally and in writing of the availability of services for victims of domestic violence and of the Good Cause determination for victims of domestic violence. If an applicant requests a Good Cause determination, ASPIRE-TANF will promptly determine whether the applicant qualifies for Good Cause. An individual may not be required to participate in any TANF activity including orientation until the Good Cause determination is made. When a determination of Good Cause is made, the ASPIRE-TANF program may contact the individual and offer domestic violence victim services or other appropriate services on a voluntary basis.
2. The Assessment for teen participants will contain additional elements to those described in Section 3.II.C., as follows:
- a. **Family Planning** - A description of the parent's knowledge about, and plan for, preventing an unwanted pregnancy.
  - b. **Health Care** - A description of the current health care the parent is utilizing for the family.
  - c. **Pregnancy** - A description of the dynamics around the conception and birth of the child, and the initial parenting ability of the parent.

*(I.C.2.d. GENERAL PROVISIONS CONTINUES ON THE NEXT PAGE)*

(February 6, 2017)

5-4

Policy #23A

***(I.C.2. GENERAL PROVISIONS-PROCEDURES CONTINUED)***

- d. **Paternity** - A description of the relationship between the parent, the child and the child's other parent, and the parent's feelings about this. This includes whether paternity has actually been established, whether any child support is being paid, whether the other parent has visitation rights and whether those rights are exercised.
  - e. **Parents** - A description of the relationship the teen parent has with his or her family, and what influences the teen's family has on the current situation.
3. Methods of obtaining specific data are dependent on the availability of information. Any existing information will be used for the Assessment before consideration is given to additional testing. The ASPIRE-TANF unit will make the final determination of the method or methods to be used, which are described as follows:
- a. **Achievement Level**
    - 1. Achievement test results from any organization or agency, public or private (e.g. school records).
    - 2. Work history with task analysis.
    - 3. Grade Point Average from a post-secondary institution.
    - 4. Achievement test normed for the appropriate population.
  - b. **Aptitude Level**
    - 1. Aptitude test results from any organization or agency, public or private (e.g. school records).
    - 2. Work history with task analysis.
    - 3. Grade Point Average from a post-secondary institution.
    - 4. Aptitude tests normed for the appropriate population.
  - c. **Interest Level**
    - 1. Participant's stated interest.
    - 2. Work history and educational history consistent with stated goal.
    - 3. Interest test results from another organization or agency (e.g., school records).

***(I.C.3.C. GENERAL PROVISIONS-PROCEDURES CONTINUES NEXT PAGE)***

(February 6, 2017)

5-5

Policy #23A

***(I.C.3.c. GENERAL PROVISIONS-PROCEDURES CONTINUED)***

4. Interest tests normed for the appropriate population.
5. A vocational evaluation will follow the Assessment at the point that the participant is ready to establish an employment goal. The vocational evaluation will include:
  - (a) an analysis of the employment goal as it relates to the financial needs of the participant following employment;
  - (b) a determination of how the training relates to a participant's vocational interests and occupational aptitudes based on any combination of the following: volunteer work, work history, informational interviews or field training;
  - (c) a determination as to whether there is a reasonable expectation of employment upon completion of training; and
  - (d) estimated employment and training costs to ASPIRE-TANF.
6. Assessment and vocational evaluation may be held either one-on-one with the participant or in groups. Assessment in groups will be followed by a one-on-one meeting to discuss data gathered and issues raised in the group setting.

**END OF SECTION**

(February 6, 2017)

6-1

Policy #23A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 6: CASE MANAGEMENT**

**Summary:** This Section describes case management which is an on-going interactive process, between the participant and ASPIRE-TANF, of identifying the needs of the participant and the family, and the services appropriate to meet those needs; and providing the assistance, coordination and advocacy necessary to ensure access to those services, in order that the participant may obtain the skills and support necessary to become employed. Case management includes counseling the participant regarding employability, brokering of support services, advocating for the participant and monitoring, evaluating and documenting the participant's progress in order to assist the participant to meet his or her mandated work requirement and to obtain the skills and support needed to maintain and retain employment.

**I. GENERAL PROVISIONS**

- A. Each ASPIRE-TANF participant will be provided a case manager.
- B. The case manager and participant relationship within ASPIRE-TANF is primary and essential.
- C. The extent of the case manager's involvement is dependent on the participant's needs.
- D. The case manager monitors each ASPIRE-TANF participant's compliance with work requirements.

**II. FUNCTIONS**

ASPIRE-TANF, case management is comprised of the following functions:

- 1. Evaluating and determining ASPIRE-TANF participants' strengths
- 2. Evaluating and determining ASPIRE-TANF participants needs
- 3. Prioritizing the participant's needs in order to assist the participant in obtaining employment as quickly as possible
- 4. Assisting participants to make informed choices
- 5. Developing participant-centered employment plans based on Assessment information
- 6. Writing Family Contract Amendments that bind both the Department and the participant to the actions in the contract.
- 7. Identifying and referring the participants to available resources (both within and outside the Department) to assist them in meeting their needs.

*(II. FUNCTIONS CONTINUES ON THE NEXT PAGE)*

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(February 6, 2017)

6-2

Policy #23A

***(II. FUNCTIONS CONTINUED)***

8. Evaluating the effectiveness of the participant's resources.
9. Advocating for the participant with resource providers (both within and outside the Department).
10. Monitoring, evaluating and documenting the participant's progress during their enrollment in ASPIRE-TANF.
11. Authorizing expenditures of State and Federal funds on behalf of the participant consistent with ASPIRE-TANF rules.
12. Maintaining participant confidentiality at all times.
13. Making the basics of budgeting income available to all ASPIRE participants.

**END OF SECTION**

(February 6, 2017)

7-1

Policy #23A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 7: FAMILY CONTRACT AMENDMENT (FCA)**

**Summary:** This Section describes the Family Contract Amendment, which is a short term, contractual plan indicating specific steps to be taken by both ASPIRE-TANF and the participant to reach an interim goal, leading to the goal of employment.

**I. GENERAL PROVISIONS**

- A. The initial Family Contract Amendment, and any subsequent FCA, is time-limited, and can be written for a maximum of six (6) months. The Family Contract Amendment lists interim goals necessary to reach the long-term goal of employment. The Family Contract Amendment lists services in detail as well as estimated costs, and lists specific actions to be taken by both ASPIRE-TANF and the participant. The Family Contract Amendment is a contract between ASPIRE-TANF and the participant, requiring both parties to complete their obligations. The Family Contract Amendment and the services authorized will be binding on ASPIRE-TANF as long as the participant is meeting obligations, there is sufficient funding to continue the Family Contract Amendment, and the contents of the Family Contract Amendment are in agreement with ASPIRE-TANF rules, policies and procedures in effect at the time the contract is written. If the participant is meeting obligations and all parties agree, the Family Contract Amendment can be revised.
- B. If the TANF or PaS benefit closes while a valid Family Contract Amendment is in effect, transitional services may take priority over the authorized ASPIRE child care and transportation support services, and the Family Contract Amendment will end on the last day of the month the final TANF or PaS benefit is received.
- C. Any documented, substantiated evidence of misuse of funds, purchased goods and/or services on the part of the participant will be grounds for termination of the most current Family Contract Amendment. Repayment or other suitable recovery procedures will be instituted to recover misspent funds (see Section 4(VIII)).
- D. The Family Contract Amendment will reflect the participant's preferences and abilities to the extent that they conform to the goal of the ASPIRE-TANF program to help participants gain employment, and to the extent that those preferences conform to any other applicable ASPIRE-TANF rules. Every effort will be made to reach agreement with the participant on the content of the Family Contract Amendment.

When such agreement cannot be reached, ASPIRE-TANF staff will determine the final content of the Family Contract Amendment. Participants who disagree with the content of the Family Contract will have the right to a fair hearing.

***(II. PROCEDURES ON THE NEXT PAGE)***

(February 6, 2017)

7-2

Policy #23A

**II. PROCEDURES**

The initial Family Contract is completed at the time application for TANF or Parents as Scholars benefits is made.

- A. A Family Contract Amendment will be written and signed by the participant and ASPIRE-TANF staff following Assessment. The employment goal, in as much detail as possible, will be listed on the first Family Contract Amendment.
- B. The Family Contract Amendment will be completed subsequent to the orientation meeting. It will list an employment goal, an interim goal (e.g. job search, high school completion, skills training, etc.) and specific activities of both ASPIRE-TANF and the participant necessary to reach this goal. The Family Contract Amendment will be specific and detailed and will list all support services required during the length of the contract and the estimated costs of those services.
- C. The Family Contract Amendment will be signed by the ASPIRE-TANF staff and the participant. The participant will receive a copy of each Family Contract Amendment. ASPIRE-TANF staff will provide each participant the opportunity to disagree with the content of the Family Contract Amendment. A participant disagreeing with the content of the Family Contract Amendment, may so indicate on the Family Contract Amendment, and may request a fair hearing. Even if the participant disagrees with the content, the participant must sign the Family Contract Amendment or be subject to sanctions. The Family Contract Amendment will be limited to the time period necessary to reach the interim goal, not to exceed six months. A new Family Contract Amendment may be written if changes are necessary.
- D. The Family Contract Amendment may take into account certain needs of the participant's immediate family including referral for counseling and other activities which involve no direct cost to ASPIRE-TANF.
- E. ASPIRE-TANF will provide assistance as needed to the participant to help understand the purpose and content of the Family Contract Amendment.

**END OF SECTION**

(February 6, 2017)

8-1

Policy #23A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 8: PRE-TRAINING**

**Summary:** This Section describes the pre-training component which consists of activities designed to prepare participants for job skills training, post-secondary education, job search services, employment services, subsidized or unsubsidized employment, or self-employment.

**I. GENERAL PROVISIONS**

- A. Pre-training activities may include, but are not limited to, remedial and secondary education programs, job readiness training, employment and self-employment counseling, field training, and referral to services to improve life management skills, encourage personal responsibility and provide the needed foundation to engage in activities aimed at securing and maintaining employment.
- B. Based on Assessment, a Family Contract Amendment will be developed which will reflect the participant's pre-training needs and will include necessary and available support services.
- C. ASPIRE-TANF will pay for services necessary to complete the Family Contract Amendment only when those services cannot be funded from other sources and only as long as funding is available for those services. ASPIRE-TANF will purchase the least expensive quality service necessary to meet the participant's needs.
- D. When approved pre-training programs are available at comparable quality and cost, including the cost of support services, and the implementation of the Family Contract Amendment would not be unreasonably delayed, the participant may choose to enroll in the program with the provider of the participant's choice. If the ASPIRE-TANF case manager and the participant cannot mutually agree on the choice, then the decision will be made by the ASPIRE-TANF unit supervisor and is subject to a fair hearing.

**II. PRE-TRAINING ACTIVITIES AND PROCEDURES**

- A. **Employability Counseling** - Employability counseling helps participants make informed choices about personal issues, education, training and employment by interpreting data from assessments and providing information as to how that data relates to the participant's needs, interests, strengths, available employment options and resources.
- B. **High School Diploma Programs** - High School Diploma Programs are available through local area high schools, adult education and alternative education programs.

**(II. PRE-TRAINING ACTIVITIES AND PROCEDURES CONT. ON THE NEXT PAGE)**



(February 6, 2017)

8-2

Policy #23A

- C. **High School Equivalency Preparation and Training** - High School Equivalency preparation and training is offered by local adult education programs, and other agencies.
- D. **Remedial Education** - Remedial Education is individual or group training offered by local adult education programs, Literacy Volunteers and other agencies to assist the participant in obtaining a basic literacy level of at least grade 8.9 or to fulfill labor market requirements necessary for the participant to reach his/her goal. Remedial Education also provides training in English proficiency.
- E. **Job Readiness** - Activities designed to prepare participants for education, training and/or employment services. These activities include:
  - 1. **Life Management Skills** - Life management skills activities include options such as budgeting of resources, driver's training, substance abuse counseling, use of available resources, use of supportive services, personal counseling, self-esteem building, appropriate work habits, dealing with others in the work environment and interpersonal communications (e.g. active listening, how to ask questions, etc.). These services may be available to participants in a variety of community-based settings and formats.
  - 2. **Work Readiness Activities** - These activities include: job shadowing, job coaching, mentoring, situational assessment, and any other activity that will encourage obtaining or retaining employment.
  - 3. The following pre-training activities are available to program participants if reasonably available in the participant's area:
    - a. **Family Planning:** To assist the participant in decision-making regarding future pregnancies. This service is typically provided through clinics, private practitioners, and hospitals.
    - b. **Health Care:** Health Care referrals for participant's family members. This service is typically provided through clinics, private practitioners, and hospitals.
    - c. **Parenting Education:** To enable the participant to maximize parenting skills. These services are typically provided in center-based, school-based and in-home settings.

**END OF SECTION**

(February 6, 2017)

9-1

Policy #23A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 9: FIELD TRAINING**

**Summary:** This Section pertains to ASPIRE-TANF Field Training in both public and private training sites.

**I. GENERAL PROVISIONS**

- A. Field Training is a training opportunity in either the public or private sector for a maximum of thirty (30) hours per week, not to exceed twenty-six (26) weeks per placement. The participant is provided \$2.00 per hour for training-related expenses in addition to the support services needed to complete the training (see Section 14 for further information about support services).
- B. The purpose of Field Training is to provide the participant on-site career exploration and experience, occupational skills, socialization to work, work maturity skills and family and work management skills.
- C. Field Training is a component for participants who:
  - 1. Have little or no experience in a work place; or
  - 2. Have a career goal in which they have limited or no experience.
- D. Field Training sites receive no funds from the ASPIRE-TANF program for the Field Training placement.
- E. All ASPIRE-TANF Field Training positions will comply with the following U.S. Department of Labor regulations:
  - 1. The training, even though it includes the actual operation of the facilities of the employer, is similar to that which would be given in a vocational school;
  - 2. The training is for the benefit of the participant;
  - 3. The participant does not displace regular employees, but trains under close observation;
  - 4. The employer that provides the training derives no immediate advantage from the activities of the participant. On occasion operations may actually be impeded;

***(I.E. GENERAL PROVISIONS ON NEXT PAGE)***

(February 6, 2017)

9-2

Policy #23A

***(I. GENERAL PROVISIONS CONTINUED)***

5. The participant is not entitled to a job at the conclusion of the training period; however, if the training site does have job openings, the participant will be interviewed and considered for hire.
6. The employer and the participant understand that the participant is not entitled to wages or benefits such as Worker's Compensation, medical coverage, vacation or sick leave, etc. for the time spent in training.

**II. FIELD TRAINING PROCEDURES**

- A. Unless the ASPIRE-TANF case manager, the participant or the employer has demonstrated and documented to ASPIRE-TANF that it is in the best interest of the participant, field placements will comprise no more than 10% of an employer's work force.
- B. A participant will not be placed in a training site that would be hazardous to health or safety. All sites must be in compliance with EEO regulations.
- C. No Field Training sites will be developed or utilized in an organization where there is a labor dispute or where the Field Training component would be in violation of a collective bargaining agreement.
- D. Supervision must be provided to Field Training participants for all hours at the training site by the employer or their designee.
- E. A Training Agreement and a Training Description must be written for each Field Training assignment and signed by ASPIRE-TANF staff, the participant and the Field Training site supervisor.
- F. ASPIRE-TANF staff will monitor the progress of the Field Training participant by visiting the training site and interviewing the supervisor and the participant as often as is necessary to ensure compliance with all policies and procedures of the Field Training component.
- G. The Training Site supervisor will maintain a written time and attendance record that will be signed by both the supervisor and the participant. This time and attendance record will be provided to ASPIRE-TANF at least once every four (4) weeks.
- H. If the Training Site has job openings in a similar field and with a similar schedule as the Field Training position, and the Field Training participant is not hired for the openings two (2) times, the site will no longer be used by ASPIRE-TANF.
- I. No organization, firm or industry in violation of local, State or Federal laws will be eligible to be a Field Training site.

***(II.F. FIELD TRAINING PROCEDURES CONTINUES ON NEXT PAGE)***

(February 6, 2017)

9-3

Policy #23A

***(II. FIELD TRAINING PROCEDURES CONTINUED)***

- J. The Equal Employment Opportunity (EEO) and *American with Disabilities Act (ADA)* policies of the prospective Field Training sites should be assessed to determine if the training will be conducted in a responsive setting and the Training Site is in compliance with EEO and ADA regulations.
- K. The Field Training Site must agree to maintain the confidentiality of any information regarding ASPIRE-TANF participants or their immediate families, including information which may be obtained through interviews, tests, reports from public agencies or counselors, or any other source. Without the permission of the participant, such information can be divulged only as necessary for purposes related to the performance or evaluation of the Field Training Agreement, and only to persons having responsibilities under the Agreement.

**END OF SECTION**

(February 6, 2017)

10-1

Policy #23A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 10: EDUCATION AND TRAINING**

**Summary:** This Section pertains to ASPIRE-TANF education and training including customized occupation classroom training, general skills training, and post-secondary education with the exception of 2 and 4 year degree programs. Two and four year degree programs are part of the Parents as Scholars program. This program is discussed in Section 16 of the ASPIRE-TANF Program Rules.

**I. GENERAL PROVISIONS**

- A. Based on Assessment, the Family Contract Amendment will reflect the participant's education and training needs, will include all necessary and available support services and will lead to sustainable employment.
- B. ASPIRE-TANF will pay for services necessary to complete the Family Contract Amendment only when those services cannot be funded from other sources and only as long as funding is available for those services. ASPIRE-TANF will purchase the least expensive quality service necessary to meet the participant's needs.
- C. When approved education and training programs are available at comparable quality and cost, including the cost of support services, and the implementation of the Family Contract Amendment would not be unreasonably delayed, the participant may choose to enroll in the program with the provider of the participant's choice. If the case manager and the participant cannot agree on that choice, then the decision will be made by the ASPIRE-TANF case manager, subject to fair hearing.
- D. The participant must have completed an ASPIRE-TANF Assessment, and a Family Contract Amendment prior to entering education and training.
- E. The participant must meet performance requirements as set forward in Section 3 (IV).

**II. TYPES OF EDUCATION**

- A. **Customized Occupation Classroom Training** - Training designed to meet a specific employer need, including classroom training and skills training at the work site.
- B. **Skills Training** - Courses or classes in which the participant receives instruction for specific skills. This type of training may be offered by adult education programs, secondary vocational education programs, employers or other agencies.
- C. **Certificate Programs** - One to two year programs consisting of technical courses leading to a certificate in a specific vocation.
- D. **5-Year Teaching Certificate** - An additional year of education required by an institution in order to receive State teaching certification. This is a non-degree activity.

*(III. PROCEDURES ON NEXT PAGE)*

(February 6, 2017)

10-2

Policy #23A

**III. PROCEDURES**

- A. Based on the participant's circumstances, ASPIRE-TANF will inform the participant of the requirements and deadlines relating to application for financial aid. ASPIRE-TANF will not provide any financial support for post-secondary education unless the participant has made a good faith effort to apply for available financial aid. In cases where a participant has defaulted on student loans and as a result has lost eligibility for a federal Pell Grant and a federal Supplemental Educational Opportunity Grant (SEOG), ASPIRE-TANF will provide financial support for education and training activities only when the individual makes all reasonable attempts to resolve the outstanding default with the institution.
- B. ASPIRE-TANF staff and the participant will complete and sign a Family Contract Amendment and a Training Agreement. Individual performance standards may be added to the Training Agreement. The participant will receive a copy of both documents.
- C. After each training semester, or equivalent, the participant and ASPIRE-TANF will review the performance standards. In order to continue ASPIRE-TANF support for the education or training activity, the terms and conditions set forth in the Family Contract Amendment and the Training Agreement must be met unless Good Cause exists for failure to comply.
- D. The participant must make satisfactory progress as defined in Section 3(III).
- E. ASPIRE-TANF will support a participant's enrollment in a summer session program for which there is limited or no financial aid (Pell Grants, etc.), other than loans, providing the participant has made application for any financial aid and the summer session will reduce the time the participant would otherwise spend to complete the education or training program.
- F. ASPIRE-TANF will not support graduate level programs, unless the participant is taking a course or courses in order to renew a professional license or certificate necessary to obtain or maintain employment. Completion of the required course or courses must be expected within six months of the course(s) start date.
- G. ASPIRE-TANF will support a participant's attendance at education or training out-of-state only when comparable training is not available instate or the commuting distance to the out-of-state training, as well as quality and costs (including all support services), of attending the out-of-state training are equal to or less than a comparable instate program.
- H. ASPIRE-TANF will support online post-secondary course programs only when the quality and cost is equal to comparable training programs.
- I. In cases where the participant has a post-secondary degree or a marketable skill when beginning participation with ASPIRE-TANF, all possibilities of utilizing the existing degree or marketable skill for employability will be exhausted before consideration is given to authorizing approval for additional education or training. (Note: The Parents as Scholars Program has specific entrance requirements; see Section 16 for details.)

***(III.J. PROCEDURES CONTINUES ON NEXT PAGE)***

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(February 6, 2017)

10-3

Policy #23A

***(III. PROCEDURES CONTINUED)***

- J. If the participant requests additional education or training beyond that which was originally approved by ASPIRE-TANF, ASPIRE-TANF will consider the following in making a decision to approve, or disapprove, additional education or training:
1. The participant's past performance in education or training activities;
  2. The participant's ability to obtain employment leading to self-support, with the degree or certificate obtained from the previously approved program (considering local labor market needs, and the participant's financial needs).

**END OF SECTION**

(February 6, 2017)

11-1

Policy #23A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 11: WORK ACTIVITY SERVICES**

**Summary:** This Section describes ASPIRE-TANF work activities which include MaineServe and Transitional Employment for Maine Parents (TEMP) and Providing Child Care services to an ASPIRE participant in a Community Service Program.

**I. GENERAL PROVISIONS**

- A. The purpose of MaineServe, TEMP, and Providing Child Care Services is to enhance job skills, meet federal TANF work requirements and provide recent employment references.
- B. Placement in permanent full-time employment will have priority over participation in MaineServe or TEMP or Providing Child Care Services.
- C. MaineServe and TEMP positions will be in public or private non-profit organizations.
- D. MaineServe positions shall be limited to projects which serve or support a useful public purpose such as education, urban and rural development, health, and social services.
- E. Neither MaineServe or TEMP placements will be provided to an agency where an organized union strike or walkout is occurring or other labor dispute is in progress.
- F. No organization, or agency in violation of local, State or Federal laws will be eligible for MaineServe or TEMP placements.
- G. The EEO and ADA policies of the prospective MaineServe or TEMP sites should be assessed to determine if the prospective site is in compliance with EEO and ADA regulations.
- H. The MaineServe or TEMP site agrees to maintain the confidentiality of any information regarding ASPIRE-TANF participants or their immediate families which may be obtained through interviews, tests, reports from public agencies or counselors, or any other source. Without the permission of the participant, such information shall be divulged only as necessary for purposes related to the performance or evaluation of the Work Site Agreement and to persons having responsibilities under the Agreement.
- I. The monthly maximum number of hours that can be required of a participant assigned to either MaineServe or TEMP is obtained by dividing the total of the TANF and Food Supplement (SNAP) benefit amounts by the current Maine minimum wage; fractional hours will be dropped. The monthly number of hours is then divided by 4.3 to arrive at a weekly figure and this number is written in the Family Contract Amendment as the maximum number of hours per week that will be required for participation in MaineServe or TEMP. If the total is less than the minimum number of hours required by Federal and/or State law, then the difference will be made up by involving the participant in non-work activities, such as skills training or remedial education. The maximum number of hours of participation in MaineServe or TEMP is subject to review and change as the TANF and Food Supplement (SNAP) benefit amounts change, and should be addressed whenever new Family Contract Amendments are written.

***(I. GENERAL PROVISIONS CONTINUES NEXT PAGE)***



(September 1, 2020)

11-2

Policy #26A

*(I. GENERAL PROVISIONS CONTINUED)*

- J. After six (6) months, TEMP positions will be reassessed to determine whether the placement continues to be viable for the participant. If it is determined to be appropriate, the TEMP position may be renewed.
- K. At the end of nine (9) months, the MaineServe volunteer and the ASPIRE-TANF case manager shall evaluate the MaineServe placement. If it is determined to be appropriate, the MaineServe placement may be renewed.
- L. ASPIRE-TANF will not provide funds to a MaineServe or TEMP placement site for a MaineServe or TEMP placement.
- M. Any mandatory ASPIRE-TANF participant who has completed training and job search but has not obtained a permanent job must participate in either TEMP or MaineServe.
- N. Any voluntary ASPIRE-TANF participant may choose to participate in MaineServe or TEMP.
- O. ASPIRE-TANF will provide the necessary support services in accordance with Section 15 in order for the participant to complete the MaineServe or TEMP placement.
- P. A Family Contract Amendment will be developed that will reflect the MaineServe or TEMP activity, the participant's requirements and will include the services needed by the participant to succeed in the placement.

**II. MaineServe**

- A. MaineServe is a temporary volunteer work experience position designed to provide parents who are eligible for TANF opportunities to serve their communities and the State, develop employability skills and meet mandatory work requirements.
- B. **Eligibility:** Any ASPIRE-TANF participant over 16 years of age is eligible to volunteer for MaineServe, except that any person under 20 years of age who has not completed high school or its equivalent must also participate in an educational activity designed to complete high school education.
- C. **Duration of service:** MaineServe volunteers may serve up to nine (9) months. At the end of the service period, the MaineServe volunteer and the ASPIRE-TANF case manager shall evaluate the MaineServe placement. If the case manager determines that the service is appropriate, the MaineServe volunteer may renew the placement within MaineServe.

*(III. TEMP NEXT PAGE)*

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(February 6, 2017)

11-3

Policy #23A

**III. TRANSITIONAL EMPLOYMENT FOR MAINE PARENTS (TEMP)**

- A. TEMP is a temporary volunteer work experience position designed to provide parents who are eligible for TANF opportunities to learn job skills, gain work experience, meet mandatory TANF work requirements and earn referrals for future employment.
- B. TEMP participants will not receive work or training reimbursements for voluntary work performed.
- C. ASPIRE-TANF will assist in the development of a placement site which will match the participant's abilities, work history and employment goal, to the extent possible, within a reasonable distance from the participant's location and program resources.

**IV. PROVIDING CHILD CARE SERVICES TO ENABLE ANOTHER PARTICIPANT TO PARTICIPATE IN COMMUNITY SERVICE**

- A. An individual may provide Child Care Services to enable another TANF recipient to participate in a community service program (MaineServe or TEMP).
- B. In a two-parent household, one parent may not meet his or her participation requirement by providing care to children in the household while the other parent participates in community service.

**END OF SECTION**

(February 6, 2017)

12-1

Policy #23A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 12: JOB SEARCH ACTIVITIES**

**Summary:** This Section describes ASPIRE-TANF job search services which include self-directed, individual and group job search, and job development and placement.

**I. GENERAL PROVISIONS**

- A. TANF recipients who are able to work any number of hours, must participate in individual or group job search activities (depending on the needs and resources of ASPIRE-TANF ) during the work evaluation phase of involvement with ASPIRE-TANF. This “up-front” job search is limited to a maximum of six (6) weeks.
- B. ASPIRE-TANF participants who have completed the agreed-upon training necessary for his or her employment goals, will also be required to participate in a job search activity as a primary activity for a maximum of six (6) weeks. If, after six (6) weeks of a job search, employment is not achieved ASPIRE-TANF participants are expected to continuously job search as a subsequent activity as agreed upon in their Family Contract Amendment.
- C. A Family Contract Amendment must include the participant's job search activity and the necessary support services in accordance with Section 14 in order for the participant to complete the job search activity.
- D. When approved job search services are available at comparable quality and cost, including the cost of support services, and the implementation of the Family Contract Amendment would not be unreasonably delayed, the participant may choose to receive services from the provider of the participant's choice. If the ASPIRE-TANF case manager and the participant cannot mutually agree on that choice, then the decision will be made by the ASPIRE-TANF case manager, subject to fair hearing.
- F. A Job Contact Log will be required by all participants in a job search activity (including self-directed). A reasonable number of employer contacts per week, given the local labor market conditions, will be established prior to the beginning of Job Search. The number of expected weekly contacts will be included in the participant’s Family Contract Amendment. The ability to amend this contact log when necessary is subject to approval by ASPIRE-TANF staff. The ASPIRE-TANF unit will monitor employer contacts reported by participants.

*(II. TYPES OF JOB SEARCH ACTIVITIES ON NEXT PAGE)*

(February 6, 2017)

12-2

Policy #23A

**II. TYPES OF JOB SEARCH ACTIVITIES****A. Self-Directed**

1. A participant who completes a training program at a post-secondary institution where the institution provides job placement services may utilize that placement service for up to six (6) weeks beginning with the date the ASPIRE-TANF case manager approves the plan.

**B. Individual Job Search**

1. In remote areas of the State or in circumstances where delivering group job search is not feasible, individual job search will be available to participants. This consists of one-on-one instruction by ASPIRE-TANF or its contractor, or other designated agency, and may be available online. The instruction may include the following components: goal setting; completing applications and resumes; techniques for canvassing and contacting employers; information on the kinds of jobs that are available (including the "hidden" labor market); interviewing techniques and follow-up; and employment retention.
2. During instruction and upon completion of instruction, the participant will contact a reasonable number of employer contacts per week given the local labor market condition. This will be established prior to the beginning of Job Search with the ability to amend when necessary. Participants will provide ASPIRE-TANF with a Job Contact Log at least monthly.
3. ASPIRE-TANF may contact any employer listed on the Job Contact Log to verify the information provided by the participant.

**C. Group Job Search**

1. Group Job Search consists of intensive job seeking skill training and peer support development. Topics may include: goal setting, completing applications and resumes; techniques for canvassing and contacting employers; information on the kinds of jobs that are available (including the "hidden" labor market), interviewing techniques and follow-up and employment retention. Following the instruction, participants will implement the training, share job seeking experiences and provide mutual support. Participants will have access to telephones, a photocopying machine, computers, facsimile machines, etc. in order to complete the job search.
2. During the employer contact phase, participants will maintain a Job Contact Log. ASPIRE-TANF may verify any employer information listed on the log.

***(II. TYPES OF JOB SEARCH ACTIVITIES CONTINUES ON NEXT PAGE)***

(February 6, 2017)

12-3

Policy #23A

***(II. TYPES OF JOB SEARCH ACTIVITIES CONTINUED)*****D. JOB DEVELOPMENT AND PLACEMENT**

1. Job Development – ASPIRE-TANF will provide individualized services to match job openings to the particular skills and abilities of participants. These services include identifying existing available jobs; providing employer outreach; supporting employment opportunities that match participant interests or abilities; and assisting participants in this activity.
2. Job Placement and Retention – Services that will allow participants to obtain, and retain, employment. Such services include, but are not limited to, coordinating mentors, job coaches or situational assessments, and dealing with economic factors (including household budgeting) that will encourage job retention. These services are targeted to those individuals who need more intensive assistance than is usually available through the program. Retention services will target at a minimum the first ninety (90) days of employment.

**END OF SECTION**

(February 6, 2017)

13-1

Policy #23A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 13: EMPLOYMENT**

**Summary:** This Section describes ASPIRE-TANF types of employment which include ASPIRE-PLUS (also known as On-The-Job Training) Self-Employment, Apprenticeship, Non-traditional Employment, full and part-time employment and Dislocated Employee Grievance Procedures.

**I. GENERAL PROVISIONS**

- A. Based on the work evaluation, a Family Contract Amendment will be developed which will reflect the participant's employment service needs and will include necessary and available support services.
- B. ASPIRE-TANF will pay for services necessary to complete the Family Contract Amendment only when those services cannot be funded from other sources and only as long as funding is available for those services. ASPIRE-TANF will purchase the least expensive quality service necessary to meet the participant's needs.
- C. ASPIRE-TANF will provide participants with information on post-employment services provided by the Department of Health and Human Services.

**II. TYPES OF EMPLOYMENT SERVICES**

- A. **ASPIRE-PLUS** (also known as On-The-Job Training, or OJT) - Occupational skills training provided by an employer to a trainee while the trainee is engaged in productive work resulting in the development of knowledge, skills and abilities essential to the adequate performance of a job. OJT is a "hire first" activity. The trainee is a bona fide employee who is afforded the same wages, benefits and rights as those who are similarly employed by that employer. Retention in unsubsidized employment is expected. Details of the wage reimbursement and other conditions are set forth in III. A. of this section.
- B. **Apprenticeship** - Occupational skills training provided on site by an employer to a trainee while the trainee is engaged in productive work and academic studies in subjects related to the trade, both resulting in knowledge, skills and abilities essential to the adequate performance of a job. ASPIRE-TANF will work cooperatively with the Department of Labor, Bureau of Employment Services, to encourage the development of apprenticeships.
- C. **Self-Employment** - Involvement in an enterprise where the participant has direct control over the type and amount of service or product produced. ASPIRE-TANF will provide information so that participants interested in self-employment may explore that option.
- D. **Non-traditional Employment** - Employment in occupations or fields of work where women (or men) comprise less than 25 percent of the individuals employed in such occupations or fields of work.
- E. **Full-Time Employment** - working in a position for 30 or more hours per week, with a wage of at least Maine's minimum wage per hour.

*(III. PROCEDURES NEXT PAGE)*

(February 6, 2017)

13-2

Policy #23A

**III. PROCEDURES****A. ASPIRE-PLUS (On-The-Job Training) Procedures**

In addition to all contractual standards otherwise required by state law, ASPIRE-TANF will adhere to the following procedures in developing and implementing ASPIRE-PLUS (OJT):

1. All ASPIRE-PLUS contracts are to be negotiated on an individual basis taking into account the participant's and employer's needs.
2. No contract may be written for an occupation for which the participant has related education, training and experience, which fully qualifies her for that occupation.
3. The rate of reimbursement shall not exceed an average of 50 percent of the wages (not benefits) paid to the trainee during the contract period. Reimbursement rates may be below the 50 percent average if the participant has documented competency to perform specific tasks, or vocational aptitudes or abilities within a specific occupation, but is not fully qualified. Reimbursements may only be for actual time worked by the trainee.
4. The training length will be determined by using the Dictionary of Occupational Titles, Standard Vocational Training Code, except that no contract will be less than four (4) weeks nor longer than twenty-six (26) weeks in duration.
5. ASPIRE-TANF will use a standard ASPIRE-PLUS (OJT) contract document which incorporates the payment schedules, job description and terms and conditions therein by reference.
6. The trainee in ASPIRE-PLUS will be considered to be in employment and not in training, and therefore will be eligible for support services as would any employed participant. This would include employment support services and/or transitional services as appropriate and in accordance with ASPIRE-TANF and TANF eligibility rules.
7. Satisfactory progress will be documented by an employee appraisal conducted by the employer at the half-way point of the contract. If the employer states that the participant is not making satisfactory progress, ASPIRE-TANF will counsel and advise the employee to help improve performance.
8. The employer must notify ASPIRE-TANF of any employee problems which could eventually lead to dismissal. ASPIRE-TANF will counsel and advise the employee on how to resolve the problems, but it shall not interfere with the employer/employee relationship.
9. ASPIRE-PLUS participants must receive a copy of the training outline and/or job description.
10. ASPIRE-PLUS contracts must be monitored in accordance with the standard schedules and requirements of these rules.

***(III.A. ASPIRE-PLUS (ON-THE-JOB TRAINING) PROCEDURES CONTINUES ON THE NEXT PAGE.)***

(February 6, 2017)

13-3

Policy #23A

**(III.A. PROCEDURES-ASPIRE-PLUS (ON-THE-JOB TRAINING) PROCEDURES CONT.)**

11. In no case will the ASPIRE-PLUS wage be less than the State's minimum wage.
12. No ASPIRE-PLUS Contract will be written that results in displacement or partial displacement (including reduction of hours, wages and benefits) of currently employed workers, nor shall an ASPIRE-PLUS contract be written for a position where any worker is on layoff from the same or a substantially equivalent job, or for a job from which a worker has been bumped and has recall rights.
13. No ASPIRE-PLUS Contract can be written for positions that are intermittent, seasonal or solely commission-based.
14. No firm or industry in violation of local, State or Federal laws will be eligible for an ASPIRE-PLUS contract.
15. The *Equal Employment Opportunity (EEO)* and *Americans with Disabilities Act (ADA)* policies of the prospective ASPIRE-PLUS employer should be assessed to determine if the training will be conducted in a responsive setting and the prospective employer is in compliance with EEO and ADA regulations.
16. The ASPIRE-PLUS employer will agree to maintain the confidentiality of any information regarding ASPIRE-TANF participants or their immediate families which may be obtained through employee forms, interviews, tests, reports from public agencies or counselors, or any other source. Without the permission of the participant, such information shall be divulged only as necessary for purposes related to the performance or evaluation of the contract and to persons having responsibilities under the contract.

**B. Apprenticeship Procedures**

For ASPIRE-TANF participants who choose occupations that are apprenticeable, ASPIRE-TANF will advocate with Department of Labor's Bureau of Employment Services to obtain an apprenticeship. The Department of Labor's rules and regulations regarding apprenticeship will apply.

**C. Self-Employment Procedures**

An assessment will be done by the ASPIRE-TANF case manager initially to determine the fiscal viability of the self-employment business. A referral to a business counseling service, using the vocational evaluation criteria found in section 14, II. N. if payment for services is required, may be made at that time to provide information to the case manager that will enable ASPIRE-TANF to support (or not support, as the case may be) the self-employment enterprise. In order for the self-employment to be considered full-time for purposes of participation in approved ASPIRE-TANF work activities, the participant must be working in the self-employment enterprise for a minimum of thirty (30) hours a week. The *Deficit Reduction Act of 2005* states that the only hours of participation of self-employment that can be reported are determined by dividing "Gross income minus business expenses by minimum wage". It is the expectation that participants work on their self-employment venture a minimum of 30 hours a week, regardless of the hours that can be reported. The number of "activity" hours will be included in the participant's FCA.

**(III.C. SELF-EMPLOYMENT PROCEDURES CONTINUES ON THE NEXT PAGE)**



(February 6, 2017)

13-4

Policy #23A

***(III.C. SELF-EMPLOYMENT PROCEDURES CONTINUED)***

After the self-employment business has been in operation for six months, it is expected that the business be making a net profit equal to 30 hours per week at the current Federal minimum wage. If the participant's self-employment activity does not meet this criteria, then the participant may be referred to appropriate business counseling services in order to work on, and correct, deficiencies in the business plan, and to improve the chances of success for the business. If the business plan is determined by the business counseling service to not be realistic or financially viable, ASPIRE-TANF will require the participant to be involved in another approved activity for the required number of hours of participation per week. If the business plan is approved by the counseling service there will be a review of the business in six months. If the self-employment enterprise is not making a net profit equal to 30 hours per week at the current Federal minimum wage, then said self-employment business will be determined to not be a viable business, and the participant will be required to participate in another approved ASPIRE-TANF activity in order to meet the requisite number of hours.

Verification of the income received by the business will be accomplished by the participant providing relevant business records, such as tax filing forms and monthly profit/loss statements, to ASPIRE-TANF for use in determining the financial status of the business.

ASPIRE-TANF will adhere to the following procedures in assisting participants with self-employment:

1. ASPIRE-TANF will provide participants the necessary support services in accordance with Section 14 of this manual to engage in self-employment if the following criteria are met:
  - a. The participant has a business plan approved by a business counselor who agrees the business has a reasonable chance of success;
  - b. The participant is engaged in the self-employment enterprise a minimum of 30 hours a week; and
  - c. The compensation from the self-employment enterprise must equal Federal minimum wage times 30 hours a week (net profit) by the time the business has been in operation for 12 months.
2. If the participant is referred to a business counselor and refuses to obtain the information or attend training needed to obtain the information, ASPIRE-TANF will not support the self-employment venture and will require the participant to set another viable employment goal and participate in another work activity.

***(III.D. PROCEDURES CONTINUES ON NEXT PAGE)***

(February 6, 2017)

13-5

Policy #23A

***(III. PROCEDURES CONTINUED)*****D. Non-traditional Employment Procedures**

ASPIRE-TANF will adhere to the following procedures in assisting participants with nontraditional employment:

1. ASPIRE-TANF will make available to participants information regarding the advantages of nontraditional occupations.
2. For participants who are interested in nontraditional employment, ASPIRE-TANF will provide the necessary program services.

**E. Suitable Employment**

The criteria for suitable employment applies to all types of employment, both full and part-time. The criteria is as follows:

1. The employment is within the scope of the participant's Family Contract Amendment;
2. The employment pays at least the Maine minimum wage;
3. The employment results in the participant's family experiencing no net loss of cash income;
4. The daily hours of work and the weekly hours of work do not exceed those customary to the occupation;
5. The employment is not dangerous to health or safety of the participant;
6. Daily commuting time does not exceed a two hour round trip commute;
7. The participant is physically and/or mentally able to do the job;
8. The participant is not required to join or quit a union;
9. There is not a legal strike or lock-out or other bona fide labor dispute at the work site;
10. The job or work hours do not interfere with the participant's religious beliefs;
11. Child care resources necessary for participation in employment are available; and
12. The employment offered does not interrupt a program in progress under an approved Family Contract Amendment.

***(IV. DISPLACED EMPLOYEE GRIEVANCES CONTINUES ON NEXT PAGE)***

(February 6, 2017)

13-6

Policy #23A

**IV. DISPLACED EMPLOYEE GRIEVANCES**

- A. Permanent employees of a business or organization where an ASPIRE-TANF participant has been placed in ASPIRE-PLUS, TEMP or Field Training who feel they have been unlawfully displaced by that participant shall have a right to conciliation and grievance proceedings.
- B. An employee claiming displacement is limited to the following circumstances:
1. A reduction in hours of non-overtime wages or employee benefits;
  2. Impairment of contracts for services or bargaining agreements;
  3. Filling of a position by an ASPIRE-TANF participant when any other person is on layoff from that position or a substantially equivalent position within the same business or organization;
  4. Infringement of promotional opportunities; or
  5. Filling of a previously unfilled vacancy by an ASPIRE-TANF participant while there is an employee of the organization who is qualified for, and has expressed interest, in the position.
- C. A request for a dispute resolution must be filed in writing with the Department of Health and Human Services' Office of Administrative Hearings, State House Station #11, Augusta, Maine 04333, within thirty (30) days of the employee discovering he/she has allegedly been displaced and the ASPIRE-TANF participant is still at the employee's place of employment.
- The request must include:
1. The name, address and telephone number of the employee;
  2. The name of the employee's supervisor;
  3. The name, address and telephone number of the business;
  4. The name of the business owner or supervisor;
  5. The division/location where the employee works;
  6. The employee's job title and job classification;
  7. The name of the ASPIRE-TANF participant who has allegedly displaced the employee; and
  8. The reason the employee feels that he/she has been displaced.
- D. The Department of Health and Human Services' Office of Administrative Hearings will, within 20 days of receipt of the request, schedule in writing a Fair Hearing with the following parties.
1. ASPIRE-TANF Program Manager;
  2. OFI Regional Program Administrator;

***(IV.D.3 DISPLACED EMPLOYEE GRIEVANCES CONTINUES ON NEXT PAGE)***

(February 6, 2017)

13-7

Policy #23A

***(IV.D. DISPLACED EMPLOYEE GRIEVANCES CONTINUED)***

3. ASPIRE-TANF Unit Supervisor;
  4. Displaced Employee; and
  5. Other appropriate individuals as determined by the DHHS' Office of Administrative Hearings.
- E. The DHHS' Office of Administrative Hearings will notify all parties to the dispute of the following:
1. The time, place and date of the hearing;
  2. The name, business, address, employment information about the grieving employee;
  3. The nature of the alleged grievance;
  4. The citation of the Federal regulations governing the hearing;
  5. The relief that may be granted by the presiding Officer;
  6. The rights of all parties;
  7. A Statement that the presiding Officer shall attempt to mediate a settlement between the parties without resulting to a Hearing with a warning that the parties should be prepared to proceed to a formal Hearing; and
  8. A notice of the rights of the parties to appeal to the U.S. Department of Labor.
- F. On the date of the Conciliation, the presiding Officer will attempt to mediate the dispute without resorting to a formal Fair Hearing. If the presiding Officer determines that no resolution can be reached, a formal Fair Hearing will be opened.
- G. The proceedings may be dismissed if the ASPIRE-TANF participant is no longer placed at the business or organization at the time of Conciliation.
- H. The employee has the burden of proving that he/she has been displaced. The standard of proof shall be clear and convincing evidence.
- I. Parties of a Displaced Employee Grievance have the following rights:
1. Timely and adequate notice of the proceedings;
  2. An opportunity to present evidence and witnesses;
  3. An opportunity to challenge evidence and cross-examine witnesses;
  4. An opportunity to be represented by another person;
  5. The right to subpoena witnesses as in a Civil Procedure;
  6. A decision based on the Conciliation and/or Hearing record;
  7. A prohibition on "Ex parte Contracts"; and
  8. A decision from the Conciliation and/or Hearing within ninety (90) days of the closing of the record.

***(IV. DISPLACED EMPLOYEE GRIEVANCES CONTINUED ON NEXT PAGE)***

(February 6, 2017)

13-8

Policy #23A

***(IV. DISPLACED EMPLOYEE GRIEVANCES CONTINUED)***

- J. If any party to the proceedings is dissatisfied with the decision, they may appeal the decision within twenty (20) days of receipt of the State's written decision to:

Office of Administrative Law Judges

U.S. Department of Labor

Vanguard Building, Room 600

1111 20th Street, NW

Washington, D.C. 20036

With copies of the appeal sent to:

Assistant Secretary of Family Support

U.S. Department of Health and Human Services

370 L'Enfant Promenade, SW 6th Floor

Washington, D.C. 20447

and

Assistant Secretary of Employment and Training

U.S. Department of Labor

200 Constitution Avenue, NW

Washington, D.C. 20210

- K. The appeal must contain:
1. The full name, address and telephone number of the appellant;
  2. The provision of the *Social Security Act* or regulations believed to have been violated;
  3. A copy of the original complaint filed with the State; and
  4. A copy of the State's findings and decision regarding the appellant's complaint.

**END OF SECTION**

(February 6, 2017)

14-1

Policy #23A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 14: SUPPORT SERVICE BENEFITS AND PAYMENT PROVISIONS**

**Summary:** This section describes support service benefits provided to enable participants to complete the Family Contract Amendment and provisions for payment by ASPIRE-TANF.

**I. GENERAL PROVISIONS**

- A. Support service benefits such as child care, transportation and other services directly related to education, training, job search, work component activities and employment services are necessary for participants to complete the Family Contract Amendment and obtain employment.
- B. ASPIRE-TANF will provide funding for support services which are necessary to complete the Family Contract Amendment, including any assessments, only when funding for such services is not available from other sources, and only as long as ASPIRE-TANF funding is available for needed services.
- C. ASPIRE-TANF will provide support service benefits for the least expensive service providing that service is of acceptable quality as determined by ASPIRE-TANF.
- D. The participant will be responsible and accountable for the appropriate use of service benefits as outlined in the Family Contract Amendment. Any documented and substantiated misuse of service benefits, purchased goods and/or services by a participant will be grounds for the termination of a current Family Contract Amendment, and repayment or other suitable recovery procedure will be instituted unless there is Good Cause. (Refer to Section 4, VII. for Overpayment Procedures).
- E. The amount for support service benefits will be limited. Specific caps on support services are included in their descriptions in Section 14. II.
- F. The term "period of enrollment" used in this chapter is defined as that period beginning with the opening of activity with the ASPIRE-TANF program, until participation with ASPIRE-TANF is ended (unless closure is due to a sanction).
- G. When payment is made directly to a participant for a support service, a paid receipt must be provided to ASPIRE within two calendar weeks of the receipt of the benefit. If no receipt is provided or the amount on the receipt is less than the support service benefit, an overpayment will be established (Refer to Section 4, VII. for Overpayment Procedures.) . Mileage reimbursement is excluded from this requirement.

***(II. SUPPORT SERVICE BENEFITS, PAYMENT PROVISIONS AND PROCEDURES CONTINUES  
ON NEXT PAGE)***

(February 6, 2017)

14-2

Policy #23A

**II. SUPPORT SERVICE BENEFITS, PAYMENT PROVISIONS AND PROCEDURES****A. Childcare**

ASPIRE-TANF will provide a (TANF) benefit for childcare (exception: see number 6 below) for children who are included on the TANF grant and who are under the age of thirteen (13); or physically or mentally incapable of caring for themselves (as certified by a physician or licensed psychologist); or under court supervision; or who would be dependent except for the receipt of Supplemental Security Income or because they are in foster care. A (TANF) benefit for childcare may be provided for a participant to complete the Assessment or to complete the requirements of a Family Contract Amendment. ASPIRE-TANF, in situations that are not included above but are recognized to exist and are authorized by regional ASPIRE-TANF management, will provide a (TANF) benefit for childcare when it is required for a participant to complete the requirements of a Family Contract Amendment.

No participant will be required to engage in ASPIRE-TANF activities unless that person has suitable child care. ASPIRE-TANF will expect the participant to choose the children's care arrangements, but will help participants who need assistance in securing child care. ASPIRE-TANF must approve child care providers who are not licensed or registered by the State prior to making payment. All adults living in or frequenting the location the child care is to be provided must be approved. Such approval will consist, at a minimum, of a check for prior or present involvement with child protective services, and other approval processes (such as a home visit or Department of Motor Vehicle and State Bureau of Identification checks) as may be deemed necessary on a case-by-case basis. Other provisions pertaining to child care are as follows:

1. ASPIRE-TANF will provide a (TANF) benefit for child care at a rate equal to the actual cost or child care Market Rate cap, set by the Department's Office of Child and Family Services, Early Childhood Division, whichever is less.
2. Market Rate Cap charts are available through OFI offices.
3. ASPIRE-TANF will provide a benefit for child care in excess of the Market Rate Cap for special needs children on a case-by-case basis.
4. ASPIRE-TANF will not provide a quality stipend for children enrolled in centers or homes participating in the Maine Child Care Quality Rating System.
5. ASPIRE-TANF will not provide child care benefits to providers who are living in the participant's household. (Exceptions may be made with supervisory approval when it is determined this service is necessary for a participant to comply with his or her Family Contract Amendment.)
6. ASPIRE-TANF will not provide a child care benefit to a participant who is receiving a child care deduction in the determination of the TANF grant amount. ASPIRE-TANF will discuss with the participant the options, to determine the best course of action, as to whether ASPIRE-TANF will provide a child care benefit or the participant will use the child care disregard in the computation of the participant's TANF benefit. ASPIRE-TANF can pay the cost of child care that exceeds the TANF child care disregard, if this is in the best interests of the participant and the ASPIRE-TANF program.

***(II.B. SUPPORT SERVICE BENEFITS, PAYMENT PROVISIONS AND PROCEDURES CONTINUES ON NEXT PAGE)***

(September 1, 2020)

14-3

Policy #26A

***(II. SUPPORT SERVICE BENEFITS, PAYMENT PROVISIONS AND PROCEDURES CONT.)***

- B. **Transportation** - ASPIRE-TANF will pay for the reasonable cost of transportation necessary for the participant to engage in scheduled activities prescribed in the Family Contract Amendment. Transportation reimbursement is limited to forty-five cents per mile (\$.45) and a weekly cap of one hundred and forty dollars (\$140). (Exception: ASPIRE participants who are disabled and who operate their own personal wheelchair lift or other specially-equipped vehicle during the course of participating in activities outlined in the Family Contract Amendment may receive a mileage reimbursement rate of fifty-five cents per mile (\$.55).

The following provisions apply:

1. ASPIRE-TANF will pay for the least expensive mode of transportation that will effectively enable the participant to engage in activities required for ASPIRE-TANF engagement or prescribed in the Family Contract Amendment. ASPIRE-TANF will make the final determination regarding mode of transportation after considering such factors as scheduling of Family Contract Amendment activities. The selected transportation mode(s) will be defined in the Family Contract Amendment.
2. Payment for public transportation services, where reasonably available, will be provided via ASPIRE-TANF ticket purchases.
3. Car pool drivers will be reimbursed for the most direct route, including stops at child care providers, at the rate of \$.45 cents per mile plus \$2.00 per day per ASPIRE-TANF participant transported (excluding the driver).
4. Taxi fare will be paid, but only as a temporary measure while more permanent and less expensive transportation modes are secured, unless it proves to be the least expensive mode of transportation.
5. ASPIRE-TANF will reimburse a properly licensed participant using a properly registered private vehicle at the rate of \$.45 cents per mile for the most direct routes to and from activities required for ASPIRE-TANF engagement or are prescribed in the Family Contract Amendment including trips to a child-care provider. Other provisions regarding use of a private vehicle are as follows:

The \$.45 cents per mile shall be used to cover all costs of maintaining the vehicle including gasoline, maintenance and repairs, license and registration fees, insurance, tows and parking fees.

***(II.C. SUPPORT SERVICE BENEFITS, PAYMENT PROVISIONS AND PROCEDURES CONTINUES ON NEXT PAGE)***



(September 1, 2020)

14-4

Policy #26A

***(II. SUPPORT SERVICE BENEFITS, PAYMENT PROVISIONS AND PROCEDURES CONT.)***

- C. **Auto Repairs** - In addition to reimbursing \$.45 cents per mile, ASPIRE-TANF will pay a maximum of \$1,000 per participant per calendar year on the vehicle used by the participant while engaged in activities as specified in the current Family Contract Amendment. Under no circumstances will any part of the \$1,000 carry-over from one calendar year to another - any unused portion will lapse at the end of each calendar year. The vehicle's value, overall mechanical condition and other pertinent factors will be used by the case manager to determine whether payment for vehicle repairs is warranted.
1. ASPIRE-TANF will only pay repairs on a vehicle that is registered to either the participant, the participant's spouse, or a TANF parent or specified relative who resides in the home and would be included in the TANF grant if otherwise eligible who has a valid license to operate a motor vehicle in Maine.
  2. Repair costs shall be approved in advance of the actual service except in the case of an emergency which may be approved by ASPIRE-TANF following the emergency. The participant will be required to provide to ASPIRE-TANF an estimate and evidence of the need for the repair signed by a licensed inspection mechanic. The actual repair may be performed by a qualified person of the participant's choice.
  3. In an emergency when a repair and/or tow is needed in order to make the vehicle functional, and ASPIRE-TANF cannot be reached for approval, the participant may have such repairs performed and request approval from ASPIRE-TANF within one week.
  4. Payment of approved repair costs to a vendor will be made only following submission of an itemized, original bill. When payment is made to a participant, a paid receipt must be returned to ASPIRE within two calendar weeks of the receipt of the benefit. If no receipt is provided or the amount on the receipt is less than the support service benefit, an overpayment will be established. (Refer to Section 4, VII. for Overpayment Procedures.)
- D. **Auto Liability Insurance** - ASPIRE-TANF will pay the cost of the minimum liability insurance required by Maine law up to a maximum of \$600 per calendar year, commencing with paid mileage necessary to complete the Family Contract Amendment, for a vehicle registered to and solely operated by the participant. The participant must have a valid license to operate a motor vehicle in Maine. In instances where a vehicle used by the participant is co-registered with another person or used by another person, ASPIRE-TANF will only pay that portion of the premium which is attributable to the participant. ASPIRE-TANF will pay premiums in the most cost-effective manner possible, but will not pay premiums for extended periods when the participant is not actively engaged in prescribed Family Contract Amendment activities. When payment is made to a participant for auto liability insurance, a paid receipt must be provided to ASPIRE within two calendar weeks of the receipt of the benefit. If no receipt is provided or the amount on the receipt is less than the support service benefit, an overpayment will be established. (Refer to Section 4, VII. for Overpayment Procedures.)

***(II.E. SUPPORT SERVICE BENEFITS, PAYMENT PROVISIONS AND PROCEDURES CONTINUES ON NEXT PAGE)***

(February 6, 2017)

14-5

Policy #23A

***(II. SUPPORT SERVICE BENEFITS, PAYMENT PROVISIONS AND PROCEDURES CONT.)***

- E. **Eye Care** - With prior approval, ASPIRE-TANF will pay the cost of eye care which is not covered by MaineCare or other sources and which is necessary for the participant to complete the Family Contract Amendment. Payment for eye care appliances will be for the least expensive quality option to correct the deficiency and will not exceed \$200 per calendar year. If a participant has a special vision condition requiring special lenses this rate may be exceeded to cover the least expensive quality option necessary to correct the condition upon verification of the need and cost in writing from an optometrist or ophthalmologist. When payment is made to a participant for eye care, a paid receipt must be provided to ASPIRE within two calendar weeks of the receipt of the benefit. If no receipt is provided or the amount on the receipt is less than the support service benefit, an overpayment will be established. (Refer to Section 4, VII. for Overpayment Procedures.)
- F. **Dental Care** - ASPIRE-TANF will pay the cost of dental care that is not covered by MaineCare and that is necessary to alleviate pain, or for the participant to be able to obtain employment. These payments will conform to MaineCare rates where such a rate is scheduled. If there is not a scheduled MaineCare rate, ASPIRE-TANF will pay for the least expensive quality dental service necessary to correct the condition upon receipt of verification of cost and need in writing from a dentist. ASPIRE-TANF will not pay for orthodontics. Dental care reimbursement is limited to \$2,000 per participant for the period of enrollment. Dental Care shall be paid directly to the vendor providing dental services. (Refer to Section 4, VII. for Overpayment Procedures.)
- G. **Education and Training Expenses** - ASPIRE-TANF will not provide funding for tuition and mandatory fees at a post-secondary institution unless:
1. The participant is unable to secure other educational funding needed to complete the participant's Family Contract Amendment due to:
    - a. Poor credit as determined by the educational funding source; or
    - b. The consideration by the educational funding source of resources from past years that are not actually available to the participant; or
  2. In the determination of the case manager, failure to pay the tuition or fees would result in higher ASPIRE-TANF Program costs to achieve the participant's approved goal; or
  3. In the determination of the ASPIRE-TANF Program Manager, failure to pay tuition or fees would otherwise be a substantial barrier to the participant obtaining his or her employment goal.
  4. When ASPIRE-TANF pays for these items a limit of up to \$3,500 per academic year for tuition and mandatory fees is in effect.
  5. Education and training expenses shall be paid directly to the vendor providing education and training services.

***(II.H. SUPPORT SERVICE BENEFITS, PAYMENT PROVISIONS AND PROCEDURES CONTINUES ON NEXT PAGE)***

(February 6, 2017)

14-6

Policy #23A

***(II. SUPPORT SERVICE BENEFITS, PAYMENT PROVISIONS AND PROCEDURES CONT.)***

- H. **Books and Supplies** - ASPIRE-TANF will provide up to \$1000 per academic year for required books and supplies, to the extent that the student does not have non-repayable financial aid (scholarships; grants) which, after paying tuition and fees, would be available to pay for books and supplies. Required books and supplies are books and supplies mandatory for everyone in the class. When payment is made to a participant for required books and supplies, a paid receipt must be provided to ASPIRE within two calendar weeks of the receipt of the benefit. If no receipt is provided or the amount on the receipt is less than the support service benefit, an overpayment will be established. (Refer to Section 4, VII. for Overpayment Procedures.)
- I. **Clothing and Uniforms** - ASPIRE-TANF will pay for clothing and uniforms in accordance with the following conditions providing prior approval is given and items have not already been purchased as part of training and financial aid funds:
1. Clothing required for performance of an occupation and/or to train for that occupation including uniforms, special work shoes or boots, gloves, etc.
  2. Clothing not specifically required for the occupation, but necessary for maintaining appropriate appearance in order to seek or maintain employment. ASPIRE will determine appropriate clothing to seek or maintain employment based on the participant's employment goals and Family Contract Amendment activities.
  3. Emergency clothing necessary to meet the participant's immediate needs such as a winter coat.
  4. Clothing and uniform reimbursement are limited to \$300 per calendar year.
  5. When payment is made to a participant for clothing and uniforms, a paid receipt must be provided to ASPIRE within two calendar weeks of the receipt of the benefit. If no receipt is provided or the amount on the receipt is less than the support service benefit, an overpayment will be established. (Refer to Section 4, VII. for Overpayment Procedures.)
- J. **Occupational Expenses** - ASPIRE-TANF will pay for tools and equipment necessary for the participant to perform an occupation (when the employer requires all employees to have such equipment and the employer does not purchase such equipment for any of these employees), or for material and equipment for a participant with an ASPIRE-TANF approved self-employment plan or occupational-related expenses such as licensing and certification fees, examination fees, etc. Occupational expenses are limited to \$500 per period of enrollment. When payment is made to a participant for occupational expenses, a paid receipt must be provided to ASPIRE within two calendar weeks of the receipt of the benefit. If no receipt is provided or the amount on the receipt is less than the support service benefit, an overpayment will be established. (Refer to Section 4, VII. for Overpayment Procedures.)

***(II.K. SUPPORT SERVICE BENEFITS, PAYMENT PROVISIONS AND PROCEDURES CONTINUES  
ON NEXT PAGE)***

(September 1, 2020)

14-7

Policy #23A

***(II. SUPPORT SERVICE BENEFITS, PAYMENT PROVISIONS AND PROCEDURES CONT.)***

- K. **Relocation Costs** - When it is necessary for the participant to relocate in order to participate in education or training or take employment which is part of the Family Contract Amendment but is not available in the area in which the participant resides, and the commutation to the education or training program or employment would be impractical due to excessive distance or other transportation difficulties, ASPIRE-TANF will pay costs of relocation up to a maximum of \$500 per period of enrollment. Included in this amount may be travel at the rate of \$.45 per mile, cost of transporting household goods, and any portion of the first month's rent which exceeds the monthly rent or mortgage the participant has been paying in her most recent housing arrangement, and any portion of a security deposit which exceeds the deposit returned from the most recent rent. When payment is made to a participant for relocation costs, a paid receipt must be provided to ASPIRE within two calendar weeks of the receipt of the benefit. If no receipt is provided or the amount on the receipt is less than the support service benefit, an overpayment will be established. (Refer to Section 4, VII. for Overpayment Procedures.)
- L. **Job Development** – ASPIRE-TANF may pay for job development services (on a fee-for-service basis) not to exceed \$800 per period of enrollment. See Section 12.II.D.1. for further information. This service cap does not apply to payments included in a statewide ASPIRE contract that provides job development services.
- M. **Job Placement and Retention** – ASPIRE-TANF will pay (on a fee-for-service basis) up to \$500 per period of enrollment for job placement and retention services. See Section 12.II.D.2. for further information on this. This service cap does not apply when a statewide contracted operator is providing job development services statewide to ASPIRE participants.
- N. **Vocational Evaluation and Related Services** - ASPIRE-TANF will pay (on a fee-for-service basis) up to \$2500 per calendar year per participant for a comprehensive vocational evaluation and services (such as an evaluation of physical/mental health issues that impact on employability) required as a result of the evaluation, in order to assist participants in becoming self-supporting. This is targeted to those participants who have been determined to have, or are suspected of having, multiple barriers to becoming employed, but can apply to any participant or group of participants in need of services unavailable through the Department of Health and Human Services or its designated contractor or agent. The hourly rate paid for these services should correspond as much as possible to rates paid by other State agencies for similar services, but it is not to exceed \$75 per hour.
- O. **Other** - If ASPIRE-TANF determines that the participant has other support service needs which are not otherwise specifically mentioned in this Section, but are necessary for the participant to complete the Family Contract Amendment, it may pay for the least expensive quality service necessary to meet the need, if the service cost cannot be paid from another source. "Other" support services are limited to \$500 per calendar year. When payment is made to a participant for other necessary expenses, a paid receipt must be provided to ASPIRE within two calendar weeks of the receipt of the benefit. If no receipt is provided or the amount on the receipt is less than the support service benefit, an overpayment will be established. (Refer to Section 4, VII. for Overpayment Procedures.)

***(II. SUPPORT SERVICE BENEFITS, PAYMENT PROVISIONS AND PROCEDURES CONT.)***

(February 6, 2017)

14-8

Policy #23A

***(II. SUPPORT SERVICE BENEFITS, PAYMENT PROVISIONS AND PROCEDURES CONT.)***

- P. **Return of Purchased Goods** - A participant who does not complete an education or training program, or who does not take employment for which books, tools or other materials or equipment have been purchased by ASPIRE-TANF must return those items to ASPIRE-TANF, if they can be used by other participants. Personal items such as dentures, eye glasses and clothing need not be returned.

**III. EMPLOYMENT SUPPORT SERVICES**

Support Services may be available anytime a Family Contract Amendment is active. Once a participant is determined to be ineligible for TANF due to income from employment, transitional services may be utilized in place of child care and transportation support services, as soon as they become available to the participant.

**IV. PROMPTNESS OF PAYMENT OF SUPPORT SERVICES**

Participants should be paid or reimbursed promptly by ASPIRE-TANF in order that the Family Contract Amendment is not unnecessarily interrupted. However, bills submitted more than 30 days after the service was provided will not have as high a priority, and may take longer to get paid, than those submitted within 30 days of the date of service. ASPIRE-TANF will assure promptness of payment as follows:

Participants submitting bills to ASPIRE-TANF for payment will be issued payment no later than fifteen (15) working days following the receipt of the bill at the ASPIRE-TANF office. This time limit applies to bills which do not contain errors. Payment for bills containing errors will be issued no later than fifteen (15) working days from the date the corrected bill is received by the regional ASPIRE-TANF office.

The Department of Health and Human Services, Office for Family Independence (OFI) will ensure that entities with which it contracts issue payments in accordance with time frames described in this section, and comply with all other provisions of this section as may be appropriate to fulfill its intent. OFI will monitor compliance and will enforce compliance when necessary.

**Emergency.** The Department shall maintain a system for providing emergency payments to ASPIRE participants and/or providers for supportive services which meets the following requirements:

- a. An emergency shall be defined as those circumstances in which “services are immediately necessary to enable the participant to participate in an approved education, training or employment plan,” 22 MRSA §3788(5), or circumstances in which the participant has not received payment in accordance with the 15 day promptness standard. Emergency circumstances shall not be limited to unforeseen circumstances.
- b. The invoice or bill in question must have been submitted correctly, as described above.

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(February 6, 2017)

14-9

Policy #23A

- c. Any participant or provider facing emergency circumstances who brings to the Department's attention the fact that they have an outstanding ASPIRE invoice shall receive relief within three working days in cases of emergency. Payment may be made by check, bank transfer, or any other reasonable method, at the discretion of the Department. If a physical check is to be issued, it must be generated within three days, and the recipient must be notified of the opportunity to collect it in person.
  - 1. No emergency procedures under this section need to be taken if support service payments have been approved at the time of the emergency request and if the payment will issue within following work week after the request.
- d. If a check has been issued but not yet received within three days of mailing, the Department may choose to issue a duplicate check, make an electronic deposit, or employ any other reasonable method of payment, at the Department's discretion. Any duplicate payment received must be returned or refunded, or be subject to offset.
- e. Any decision by Department staff not to issue an emergency payment under this section is subject to immediate review by the unit supervisor or Central Office.

**END OF SECTION**

(February 6, 2017)

15-1

Policy #23A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 15: REDUCTION OF ASPIRE-TANF SERVICES WHEN FUNDING IS INADEQUATE**

**Summary:** This Section sets forth procedures for reduction of ASPIRE-TANF services when it is determined by OFI that funding is inadequate to continue to maintain existing levels of services.

**I. GENERAL PROVISIONS**

- A. When State and/or Federal funding for the ASPIRE-TANF program is inadequate to maintain existing levels of service, service reduction will occur. Service reduction will be as equitable as possible and will apply statewide. Service reduction will apply if a participant is being served directly by OFI or by an agency contracting with OFI.
- B. ASPIRE-TANF will provide services as funding and staff distribution permits on a statewide basis to include both the major urban municipalities and rural areas.

**II. SERVICE REDUCTION DUE TO FUNDING INADEQUACY**

When OFI determines that there is a funding shortage which results in the need to reduce services, the following steps will be taken in the following order, depending on the severity of the funding shortage:

1. All Family Contract Amendments will be honored to their completion date. No new ASPIRE-TANF participants will be enrolled until the completion of existing Family Contract Amendments is assured.
2. Procedures in Step 1 will apply. In addition, no new Family Contract Amendment will be written for voluntary summer courses which can be taken during the regular academic year.
3. Procedures in Step 1 and 2 will apply. In addition, no new Family Contract Amendments will be written for the following pre-training activities: job-readiness training; employability counseling; and job readiness/personal responsibility training with the exception of programs for teen parents.
4. Procedures for Steps 1, 2, and 3 will apply. In addition, no new Family Contract Amendments will be written for the following pre-training activities: high school diploma programs; high school equivalency programs; and remedial education programs, with the exception of programs for teen parents.

***(II.A. SERVICE REDUCTION DUE TO FUNDING INADEQUACY CONTINUES ON  
NEXT PAGE)***

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(February 6, 2017)

15-2

Policy #23A

***(II.A. SERVICE REDUCTION DUE TO FUNDING INADEQUACY CONTINUED)***

5. Steps 1, 2, 3, and 4 will apply. In addition, in descending order, no new Family Contract Amendments will be written for the following types of education and training programs:
  - a. Programs which will require up to two years for the participant to complete.
  - b. All pre-training programs for teen parents except high school completion.
6. In the event of severe funding inadequacy, in which the above steps are not sufficient, all Family Contract Amendments will be immediately terminated.

**END OF SECTION**



(December 2017)

16-1

Policy #24A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 16: PARENTS AS SCHOLARS PROGRAM**

**Summary:** Parents as Scholars is a student aid program based on need, for up to 2000 participants, to aid needy students who have dependent children and who are matriculating in post-secondary undergraduate 2-year and 4-year degree-granting programs.

**I. AUTHORIZATION**

The Department is authorized to operate the Parents as Scholars Program by Maine law (22 M.R.S. Chapter 1054-B, §3790). PaS participants are subject to the 60-month lifetime limit.

**II. PHILOSOPHY**

The Parents as Scholars (PaS) Program is a tool to provide alternative means of achieving self-support for some parents. PaS allows participants to receive a package of financial aid, MaineCare and support services while attending, on a full-time basis (as defined by the educational institution), post-secondary undergraduate 2 and 4-year degree-granting programs. It is recognized as a student financial aid program, while still operating under the same rules as found in the ASPIRE-TANF Program.

**III. GENERAL PROVISIONS****A. Eligibility Criteria**

1. Individuals with marketable bachelor's degrees are ineligible for enrollment.
2. To the extent that program resources and space permit, enrollment in the program may be granted if the Assessment results in findings as follows:
  - a. That the individual does not possess the necessary skills to obtain employment that will enable the individual to support a family at 85% of the median family income in the State for a family of the same size;
  - b. That, considering potential employment opportunities and local labor market conditions, the post-secondary education sought by the individual will significantly improve the ability of the family to be self-supporting;
  - c. That the individual has the aptitude to complete the proposed post-secondary program successfully. Aptitude is determined on an individual basis, using Assessment procedures from Section 5 and all other relevant information to make an informed decision as to whether or not the individual can realistically succeed in the proposed post-secondary education program; and

*(III.A. GENERAL PROVISIONS CONTINUES ON NEXT PAGE)*

(December 2017)

16-2

Policy #24A

- d. That enrollment is for the pursuit of a degree or certification that is reasonably calculated to lead to a job with at least an average job outlook within the geographic region where the participant lives or plans to live.
3. To determine whether a PaS candidate's education path is so reasonably calculated, the Department will rely on the publicly available Maine workforce analysis completed by the Maine Department of Labor. For occupations with a lower than average job outlook within the geographic region where the participant lives or plans to live, educational plans require approval of the Commissioner or the Program Manager of the ASPIRE Program, acting as the Commissioner's designee.
  - a. An applicant who wishes to pursue training or education for an occupation in Maine that has a lower than average job outlook, according to the Department of Labor workforce analysis, may petition by letter to the Commissioner or the Program Manager. The documentation and/or letter of petition must show that the occupation offers high compensation and is in sufficient demand that the applicant is likely to find employment in the region where he or she lives. To make such a showing, the letter should include answers to the following questions:
    1. What is the desired job title and description of the job duties?
    2. What does the typical day on the job include/involve?
    3. What are the specific job requirements?
      - a. What is the required education level, work experience, and skills?
      - b. Are there physical requirements? If so, what are they?
      - c. What personal characteristics or attributes does someone need to be successful in this job?
      - d. What is the equipment needed to perform this job?
    4. How does one enter this career?
    5. Where would you find employment?
    6. What are the typical hours?
    7. How is income earned (i.e. hourly rate, commission, self-employment)?
    8. What is the likelihood for advancement? What are the steps required for advancement?
    9. What are the advantages/disadvantages in this job?
    10. What is the demand for people in this career?

***(III.B. GENERAL PROVISIONS CONTINUES ON NEXT PAGE)***

(February 6, 2017)

16-3

Policy #23A

***(III. GENERAL PROVISIONS CONTINUED)*****B. Participation Requirements**

- a. An enrollee must participate in a combination of education, training, study or work-site experience for an average of 20 hours per week in the first 24 months of the program.
- b. Aid under this program may continue beyond 24 months if the enrollee remains in an educational program and agrees to participate in either of the following options:
  - 1. Fifteen hours per week of work-site experience in addition to other education training or study: OR
  - 2. A total of 40 hours of education training, study or work-site experience.

Both options will be presented to enrollees, and they (enrollees) will be permitted to choose either option. Work-site experience includes, but is not limited to paid employment, work study, practicums, internships, clinical placements, laboratory or field work directly related to the enrollee's employment goal or any other work activity that as determined by the Office for Family Independence, will enhance the enrollee's employability in her/his field of study. In the last semester of the enrollee's educational program, work-site experience may also include resume preparation, employment research, interviews and other activities related to job placement

Study hours are to be counted as 1 times the number of hours enrolled in the educational program. These do not have to be scheduled, supervised study hours; as long as the participant is satisfactorily participating in the educational activity, the study hours are automatically allowed and counted towards the participation requirement.

- a. An enrollee receiving aid under this program must be enrolled full-time, with the expectation that the degree (either 2 year or 4 year) will be obtained within the normal time frame for the particular degree and make satisfactory progress as defined in Section 3, III, A of the ASPIRE-TANF Policy Manual. If ASPIRE-TANF determines, with appropriate verification, that "Good Cause" for participating on a less-than-full time basis exists, then the participant will be allowed up to 1.5 times the normal time frame it would take to obtain the 2 or 4-year degree. Unless required by state or federal law, under no circumstances will the time allowed exceed 3 years for a 2-year degree, or 6 years for a 4-year degree. For purposes of this subsection the term "good cause" means circumstances in which the required participation would cause the enrollee to seriously compromise academic performance. Good cause includes, but is not limited to, a verifiable need to take care of a family member with special needs, a physical or mental health problem, illness, accident, death or a serious personal or family problem that necessitates reduced participation or time off from education, training or work.

***(III.B.2.b. GENERAL PROVISIONS – PARTICIPATION REQUIREMENTS CONTINUED)***

(February 6, 2017)

16-4

Policy #23A

***(III.B.2. GENERAL PROVISIONS – PARTICIPATION REQUIREMENTS CONTINUED)***

- b. The ASPIRE-TANF program may not disapprove an educational plan based solely on the length of the educational program.
- c. In a two parent household, where both parents are on the TANF grant, one or both parents may apply to participate in the PaS Program. If only one parent is enrolled in the PaS Program, the other parent, if required by TANF regulations to participate in the ASPIRE-TANF Program, will have to participate in countable activities in accordance with Section 3, II.D. This will align the total hours of participation for the 2-parent PaS household with those required of non-PaS, 2-parent households.

**IV. ADMINISTRATION****A. Enrollment in the PaS Program**

- 1. Effective August 1, 1997, all participants who are currently enrolled in 2- and 4-year degree programs will be transferred into the PaS Program.
- 2. Beginning with the effective date of this policy, additional participants will be accepted into the program, until the cap of 2000 participants is reached. At the point that the cap is reached, no new enrollees in the PaS Program will be allowed, until participants leave the program. An Operating Memorandum will be issued that details the process for working with participants who want to enter the program.

**B. Procedures**

- 1. **Eligibility for the PaS Program** will be determined on an individual basis through the Assessment process.
  - a. An individual may apply for the PaS Program at the time of application for TANF, or any time while receiving TANF benefits.
  - b. Applicants for the PaS Program will be notified in writing of the results of the application, and afforded the same rights to a Fair Hearing as participants in the ASPIRE-TANF Program. The ASPIRE-TANF case manager is responsible for the determination of eligibility based on rules in this Section and applicable Sections in the ASPIRE-TANF Program Rules Manual.
- 2. **Services Available to PaS Participants**
  - a. All support services that are available to ASPIRE-TANF participants, including child care, transportation, etc. are available to PaS participants.

***(IV.B.2.b. ADMINISTRATION – SERVICES AVAILABLE TO PAS PARTICIPANTS CONTINUES ON NEXT PAGE)***

(February 6, 2017)

16-5

Policy #23A

***(IV.B.2. ADMINISTRATION – SERVICES AVAILABLE TO PAS PARTICIPANTS CONTINUED)***

- b. As in the ASPIRE-TANF Program, support services will be provided while the participant is actively engaged in an approved activity.

**3. Reduction in Services**

When the ASPIRE-TANF Program determines that there is a funding shortage which results in the need to reduce services, the following steps will be taken, depending on the severity of the funding shortage:

- a. All Family Contract Amendments will be honored to their completion date. No new participants will be enrolled in the PaS Program until the completion of existing Family Contract Amendments is assured.
- b. Procedures in Step 1 will apply. In addition, no new Family Contract Amendments will be written for voluntary summer courses which can be taken during the regular academic year.
- c. Procedures in Step 2 will apply. In addition, termination of Family Contract Amendments will begin, based on length of time necessary to complete the educational program. Participants with the greatest amount of time needed to finish the educational program will be terminated first of all, then proceeding to those participants who have a lesser amount of time needed to complete their educational program.
- d. In the event of severe funding inadequacy, in which the above steps are not sufficient, all Family Contract Amendments will be immediately terminated.

**END OF SECTION**

(February 6, 2017)

17-1

Policy #23A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 17: TANF TIME LIMIT EXTENSIONS**

**Summary:** This Section describes the extensions to the TANF 60 month time limit and the role and responsibility of the ASPIRE-TANF Program in implementing those extensions.

**I. GENERAL PROVISIONS**

- A. Under federal and state law, most families can receive TANF cash assistance for a maximum of 60 months. TANF is temporary cash assistance to help support families while they work with the ASPIRE-TANF Program to reach their employment goals and take steps to achieve self-support.
- B. Maine may extend TANF cash assistance beyond 60 months to households where the adult(s) or minor parent head of household meets the following requirements:
  - 1. Meets the criteria of one of the hardship extensions included in III. 1-8, below;
  - 2. Participates in Family Contract Amendment activities unless Good Cause for non-participation exists; and
  - 3. Meets all other TANF eligibility requirements.
- C. All hardship extension decisions and case closures based on the 60-month time limit must be approved by an OFI Supervisor.

**II. PRE-TERMINATION NOTICE AND CONFERENCE**

- A. The family shall have the right to request a conference prior to termination of TANF benefits to (1) contest the Department's calculation of the termination date and/or (2) seek to establish the family's eligibility for a hardship extension. At the conference, the family shall have a right to present evidence and argument; to bring witnesses to testify on the family's behalf; and to be represented by legal counsel. The pre-termination conference shall be conducted by an ASPIRE worker trained in the procedures set forth in this chapter, who will determine, based upon the family's case record and any evidence presented at the conference, the correct termination date for the family's TANF benefits and/or whether a hardship extension should be granted. The pre-termination conference may be held face-to-face or by phone.
- B. No later than 120 days prior to the end of a family's 60<sup>th</sup> month of receiving TANF, the Department will send written notice to the family of the opportunity to request a pre-termination conference. The notice will clearly explain:
  - 1. The purpose of the pre-termination conference;
  - 2. That a pre-termination conference may be requested orally or in writing;

***(II.B. PRE-TERMINATION NOTICE AND CONFERENCE CONTINUED NEXT PAGE)***

(February 6, 2017)

17-2

Policy #23A

***(II. PRE-TERMINATION NOTICE AND CONFERENCE CONTINUED)***

3. The name, address, and telephone number of the individual or office the family must contact to request a pre-termination conference;
  4. That the pre-termination conference may be conducted by phone or in person; and
  5. The timeframe in which the family must request a pre-termination conference to ensure continuation of benefits pending the conference.
- C. If a pre-termination conference is requested within 10 days of the date of the written notice, the family's benefits will continue until the conference has been held and a determination made, or until the scheduled termination date, whichever occurs later.
- D. If a pre-termination conference is requested more than 10 days after the date of the written notice, the family's benefits shall be terminated at the end of the 60<sup>th</sup> month unless the Department determines that the family qualifies for a hardship extension.
- E. When a pre-termination conference is requested by phone, the family may choose to hold the conference at that time or to schedule a date in the future, in which case the ASPIRE worker will send a letter indicating the date and time of the pre-termination conference. Whether the pre-termination conference is requested by phone or in writing, the worker will explain, either verbally or in the scheduling letter, the following to the requesting family:
1. The family's right to present evidence and argument at the pre-termination conference, and to bring witnesses to testify on the family's behalf;
  2. The family's right to be represented by legal counsel at the pre-termination conference; and
  3. That the family may request to have the pre-termination conference rescheduled or continued for Good Cause. This request must be made before the scheduled conference.
- F. Following the pre-termination conference, the ASPIRE worker shall issue a letter to the family explaining the Department's determination and advising of the right to appeal.
- G. If the family fails to request or attend the pre-termination conference, the Department will determine whether the family is eligible for a hardship extension based on the information in the family's case record.

***(III. TEMPORARY HARDSHIP EXTENSIONS NEXT PAGE)***

(February 6, 2017)

17-3

Policy #23A

### III. TEMPORARY HARDSHIP EXTENSIONS

- A. All hardship extensions are temporary and may be approved for up to six months. Additional incremental extensions may be granted for up to six months, unless specified.
- B. Extension requests may be made verbally or in writing at any time in the last 3 months of a household's 60 months of TANF receipt or at time of TANF application, if 60 months of TANF benefits already have been received by the family.
- C. Progress towards the goal of self-support must be demonstrated in order for additional hardship extension requests to be approved. Specific action steps in the Family Contract Amendment must have been accomplished, unless Good Cause has been established.
- D. If the adult with 60 or more months of TANF receipt is found to be in non-compliance with required activities during an extension, without Good Cause, that TANF extension will be ended.
- E. The adult recipient or the minor parent head of household has the primary responsibility of providing verification to support their request for a hardship extension.
- F. The following includes types of temporary hardship extensions, descriptions and time frames, and targets for case management during that extension period:
  - 1. **Domestic Violence** –An adult or minor parent head of household who is a victim of domestic violence may be eligible for an extension of up to six months. Additional incremental extensions of up to six months may be granted.
    - a. **Definition:** An adult or minor parent head of household is currently involved in or living with the effects of a domestic violence situation, which includes one or more of the following:
      - i. Physical acts/ threats of physical injury
      - ii. Sexual abuse of a child or caretaker of a child
      - iii. Psychological effects of the abuse
    - b. **Verification:** The individual must provide reasonable and verifiable written evidence of the abuse including, but not limited to:
      - i. Court, medical, law enforcement, child protective, social services, psychological, or other records that establish that the individual has been a victim of domestic violence; or
      - ii. Sworn statements from adult persons, other than the individual, with knowledge of the circumstances affecting that individual.
    - c. **Case Management:** A Family Contract Amendment may include steps to reduce the threat of violence and increase family security and steps to prepare for employment and reach self-support in the shortest time possible. ASPIRE will offer to connect participants to local domestic violence projects and/or support agencies.



***(III.F. TEMPORARY HARDSHIP EXTENSIONS CONTINUES ON THE NEXT PAGE)***

(February 6, 2017)

17-4

Policy #23A

***(III.F. TEMPORARY HARDSHIP EXTENSIONS CONTINUED)***

2. **Disability** – An adult or minor parent head of household who is disabled may be eligible for an extension of up to six months. Additional incremental extensions of up to six months may be granted.
  - a. **Definitions**
    1. “Disabled” is defined as the inability to engage in gainful employment based on medical evidence provided by an Acceptable Medical Source per the TANF Manual, Chapter II. The disability must substantially reduce the individual’s ability to support the family.
    2. Gainful employment” is defined as activities that a person can perform and pursue intended to provide an income, and are a source of consistent revenue for the worker such as a steady job.
  - b. **Verification:** The adult(s) or minor parent head(s) of household recipient claiming disability must:
    1. Have a significant physical or mental incapacity documented on a current medical form provided by the Department; and file an application for disability for SSI, SSDI or Railroad Retirement Disability.

OR

    2. If the impairment is believed to be temporary (less than 12 months) the applicant must provide medical information that provides a diagnosis and prognosis, including the length of time the applicant cannot be involved in work activities. Temporary disability is intended to cover those incapacities such as a broken limb, recovery from surgery and other short-term disabilities.
  - c. The request for subsequent incremental extensions must include:
    1. An updated medical form
    2. Documentation of the active status or documentation of the appeal of a denial of the SSI/SSDI application.

OR

    1. If the impairment is believed to be temporary (less than 12 months from the original medical statement) the applicant must provide medical information that provides a diagnosis and prognosis, including the length of time the applicant cannot be involved in work activities. Temporary disability is intended to cover those incapacities such as a broken limb, recovery from surgery and other short-term disabilities.

***(III.F.2.C. TEMPORARY HARDSHIP EXTENSIONS CONTINUES ON NEXT PAGE)***

(February 6, 2017)

17-5

Policy #23A

***(III.F.2.c. TEMPORARY HARDSHIP EXTENSIONS CONTINUED)***

2. Documentation of ongoing compliance in the individual's rehabilitation employment plans as reported by the Office of Rehabilitation Services, or documentation that the individual was found eligible for vocational rehabilitation services but was placed on a wait list.
  - d. If it is determined that the individual is not disabled, or is able to engage in gainful employment with some or no limitations, the individual does not qualify for TANF extended benefits.
  - e. **Case Management:** A Family Contract Amendment must include steps to follow up with any disability application process. A Family Contract Amendment may include cooperating with the Department of Labor, Bureau of Rehabilitation, Vocational Rehabilitation Services, if found appropriate.
3. **Caring for a Significantly Disabled Family Member** – An adult or minor parent head of household who is caring for a significantly disabled family member may be eligible for an extension of up to six months. Additional incremental extensions of up to six months each may be granted.
    - a. **Definition:** The adult or minor parent head of household is needed to care for a family member who resides in the home and would be included in the TANF grant if otherwise eligible, and who has a temporary or permanent mental or physical illness, condition, or incapacity and no other care is available.
    - b. **Verification:** The person who needs the care is physically or mentally disabled, as determined by medical evidence, provided by an Acceptable Medical Source per the TANF Manual, Chapter II, and the person who needs the care requires full-time assistance with daily living activities such as eating, personal care, mobility and/or medical attention; or the person who needs care requires full-time supervision to address mental health issues that may result in harm to the person needing care or to others.
    - c. **Case Management:** A Family Contract Amendment must include development of a plan for care for the disabled family member to enable employment or a return to employment for the individual or development of another plan for financial support in anticipation of the end of TANF cash assistance.

***(III.F.4. TEMPORARY HARDSHIP EXTENSIONS CONTINUES ON NEXT PAGE)***

(February 6, 2017)

17-6

Policy #23A

***(III.F. TEMPORARY HARDSHIP EXTENSIONS CONTINUED)***

4. **Participation in a Training or Education Program** – The adult or minor parent head of household who is participating in a training or education program may be eligible for an extension up to six months. Additional incremental extensions of up to six months each may be granted.
- a. **Definition:** An adult or minor parent head of household, who, in the 60th month of receipt of TANF cash assistance is participating in an approved vocational education training program. Vocational education training is defined in ASPIRE-TANF Program Rules Section 3, subsection IV,A.3.a. This does not include: Adult Basic Education, General Equivalency Degrees, English as a Second Language, or High School. Individuals must maintain satisfactory progress (Section 3, III, A.) towards completion. (See Sections 10 and 16 for training and education time frames and completion requirements.)
  - b. **Verification:** The individual must verify their training/ education schedule, grades or completion results and hours of participation.
  - c. **Case Management:** For those receiving TANF-PaS benefits, the eligibility criteria and participation requirements (Section 16) remain the same during an extension.
5. **Working Families** – An adult or minor parent head of household who is working may be eligible for an extension up to six months. Additional incremental extensions of up to six months each may be granted.
- a. **Definition:** An adult or minor parent head of household is working at paid employment for at least 35 hours per week but continues to be eligible for TANF cash assistance.
  - b. **Verification:** Employment hours are verified through paystubs, or other employer contact through either OFI Eligibility or ASPIRE, and is documented in the client’s electronic case file.
- NOTE:** Self-employed individuals must demonstrate that they are working 35 hours per week and must be earning at least the equivalent to the Federal minimum wage per hour (totaling 35) to be eligible for this extension.
- c. **Case Management:** A Family Contract Amendment must include steps to attempt to increase the individual’s work hours and/or pay.

***(III.F.6. TEMPORARY HARDSHIP EXTENSIONS CONTINUES ON NEXT PAGE)***

(February 6, 2017)

17-7

Policy #23A

***(III.F. TEMPORARY HARDSHIP EXTENSIONS CONTINUED)***

6. **Pregnancy** – The pregnant adult(s) or minor parent head of household may be eligible for an extension up to six months.
- a. **Definition:** A pregnant individual who is in her last trimester of pregnancy in her 60th month of TANF receipt. This is limited to single parent households.
  - b. **Verification:** Pregnancy verification must be provided by the individual to the Department.
  - c. **Case Management:** Assessment shall include discussion of family planning and resources provided, upon request, to prevent unwanted pregnancies.
7. **Loss of Job** – An adult or minor parent head of household, who becomes unemployed following his or her termination from TANF as a result of the time limit, may be eligible for an extension of up to six months. Additional incremental extensions of up to six months each may be granted provided there is a break in TANF for at least 12 months between the two extension periods.
- a. **Definition:** An adult or minor parent head of household, who becomes unemployed following his/her termination from TANF as a result of the time limit, may be eligible for an extension of up to six months when:
    - i. The individual has been employed for at least 12 months following TANF closure when the TANF closure was the result of the time limit or as the result of the end of an extension period; and
    - ii. The job loss was through no fault of the individual; and
    - iii. The individual has applied for unemployment benefits and would have been eligible except that (s)he has not worked for a sufficient length of time.
  - b. **Verification:** The individual must provide:
    - i. Verification of his/her employment for 12 months following TANF closure; and
    - ii. Verification of the reason for his/her most recent job loss; and
    - iii. Verification of his/her unemployment benefits status.
  - c. **Case Management:** A Family Contract Amendment must include job search activities when appropriate, as outlined in Section 12.

***(III.F.8. TEMPORARY HARDSHIP EXTENSIONS CONTINUES ON NEXT PAGE)***

(February 6, 2017)

17-8

Policy #23A

**(III.F. TEMPORARY HARDSHIP EXTENSIONS CONTINUED)**

8. **Occurrence of an Emergency Situation** – A family may be eligible for an extension of up to six months when the family has experienced an emergency situation, other than citizenship or alien status, which is beyond the control of the family and prohibits them from engaging in employment.
- a. **Definition:** A family may be eligible for an extension of up to six months when the family has experienced an emergency situation, other than citizenship or alien status, which is beyond the control of the family and prohibits them from engaging in employment. Examples of an emergency situation include but are not limited to the following:
    - i. Death of child , spouse or parent; or
    - ii. Homelessness due to a disaster such as fire, flood or act of nature.
    - iii. Victims of violent crimes
  - b. **Verification:** The individual must provide verification of the emergency situation that is prohibiting them from engaging in employment. Examples of this verification may include a written statement from a law enforcement official, or a social service agency.
  - c. **Case Management:** The individual’s Family Contract Amendment must include steps to resolve barriers to employment created by the emergency situation. Appropriate referrals to available resources and services that may assist the family must be offered.

**IV. TEMPORARY HARDSHIP EXTENSION GRANTED**

- A. **Hardship extensions** shall not be granted when:
  1. The participant has rejected an offer of employment or quit a job without Good Cause (Section 4, III., C.) within the 12 calendar months prior to the date of the extension request;
  2. The participant has failed to cooperate with ASPIRE, DSER, or QC within the 12 calendar months prior to the date of the extension request, two or more sanctions:
  3. The participant has an Intentional Program Violation from the Department of Health and Human Services in the past 36 months, following the date the IPV was established.
- B. Extensions must last a minimum of one month to a maximum of six months.
- C. Individuals must meet the hardship extension criteria in order to remain eligible for an extension.
- D. Individuals will receive extension decisions in writing. This notification will explain the reason for the decision and appeal rights.
- E. A signed Family Contract Amendment must be completed within 10 days after granting a hardship extension.

(May 2016)

17-9

Policy #23A

***(IV. TEMPORARY HARDSHIP EXTENSION GRANTED continued)***

- F. Support Services, as defined in Section 14, may be provided during extensions.
- G. Good cause for non-compliance with an activity in the Family Contract Amendment during a hardship extension is allowed consistent with the Good Cause provisions as defined in Section 4, III.
- H. Reviews of individual's progress during their extension must be completed at least monthly by the ASPIRE-TANF Program. A review must be conducted when the Department becomes aware of changes in the household, including, but not limited to, earnings or household composition.

Earnings of any recipient or minor parent head of household approved for an extension due to a total inability to work will cause case closure due to failure to meet extension criteria, regardless of the amount of the earnings

- J. When a hardship extension has been granted and the TANF adult who has not received 60 months of TANF benefits fails to comply with ASPIRE rules, without Good Cause, the sanction process will be followed (Section 4, V. and VI).
- K. When a hardship extension has been granted and the TANF adult who has received 60 months of TANF benefits fails to comply with ASPIRE rules, without Good Cause, the extension will be withdrawn and the TANF case will close.

**V. END OF A TEMPORARY HARDSHIP EXTENSION**

- A. All hardship extensions are temporary and may be approved for up to six months. During the temporary hardship extension period the ASPIRE worker shall monitor the case for compliance. The TANF benefit continues until the extension ends or the family is no longer eligible for TANF for other reasons.
- B. The family will receive notice, which shall be consistent with the notice described under Pre-Termination Conference and Notice, Subsection II of this Section, at least 10 days before the end of the temporary hardship extension. That notice will include an explanation of the right to request a hearing.

**VI. RIGHT TO APPEAL**

- A. Any adult recipient or minor parent head of household whose request for a temporary hardship extension has been denied for any reason may request an Administrative Hearing. Benefits, however, may not be extended beyond the 60<sup>th</sup> month or be reopened following a 60-month closure while a hearing or a decision by the Hearings Officer is pending. All other rules regarding the Administrative Hearing procedures outlined in Public Assistance Manual (TANF) Chapter VI, apply.
- B. When the Hearing Officer's decision is that the Department was not correct in its action, a corrective payment shall be made for the period specified in the hearing decision.

**END OF SECTION**

(XXX , 2020)

18-1

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 18: WORKING CARS FOR WORKING FAMILIES**

**SUMMARY:** This section describes the Working Cars for Working Families Program (referred to in this Section as “the Program”), which is created to provide transportation for low-income individuals to obtain and retain sustainable employment. This Section establishes the Program, sets out eligibility and ongoing participation criteria, and describes the application and decision-making processes.

**I. AUTHORIZATION AND SCOPE**

The Department is required to operate the Working Cars for Working Families Program by 22 M.R.S. § 3769-F. This requirement expires as of July 1, 2022. Pending the availability of funding and other resources, the Department may continue to operate the program. The purpose of the Program is to assist participants in obtaining and maintaining sustainable employment by providing them with access to reliable, affordable transportation.

**II. ADMINISTRATION**

- A. General — Subject to the availability of funds, the Department shall administer the Working Cars for Working Families Program in accordance with this Section, once operational infrastructure is complete, which may occur after the adoption date of this rule. The Program shall provide transportation solutions to eligible program participants, pursuant to the most effective and efficient way to achieve that goal with the limited resources and time period provided under statute.
- B. Services — The Program will include different transportation options. Such options may include, without limitation—
1. furnishing purchased or donated vehicles to participants;
  2. coordinating public or private transportation;
  3. facilitating car shares among participants;
  4. ride or shuttle service; or
  5. providing driver instruction or education.

These rules include some provisions that expressly apply only to certain such options. Which options shall be afforded to any individual will be based on the availability of the option, the suitability of that option to solve the particular individual’s barrier to sustainable employment, and the desire of the individual to accept that option.

C. Definitions –

1. Sustainable employment — employment that leads or is expected to lead to a family ending its financial need for cash assistance, including TANF, PaS, and Alternative Aid. “Employment” within the meaning of this Section does not include self-employment or any form of employment that involves a subsidy to the employer.

(XXX , 2020)

18-2

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

2. Earned income — Cash or in-kind benefits received as payment for work performed either as an employee, through the receipt of wages, salaries, tips, or commissions. Earned income does not include income from self-employment or income from employment that involves a subsidy to the employer.
- D. Funding Contingencies -- Pursuant to authorizing statute, funding for the Working Cars for Working Families Program is limited to \$6,000,000 allocated from the federal TANF block grant accrued prior to state fiscal year 2017-2018. If the Department finds that its continued administration of the Program will or is reasonably likely to exhaust that funding before June 30, 2022, it will follow the procedures in this subsection to minimize the impact on program participants.
1. If funding allows, the Department shall stop accepting or processing new applications or Transportation Program Agreements (see Subsection VII), and shall continue to honor all current, signed Agreements to their completion date.
  2. If funding is not sufficient to maintain current programming as described in subparagraph 1, the Department shall reduce specific transportation services and/or the frequencies with which such services are provided, giving at least 14 days' notice to affected program participants. The Department shall effectuate reductions and eliminations under this subsection across the board to all participants, not make case-by-case elimination or reduction decisions.
  3. If funding is not sufficient to maintain current programming as provided in subparagraph 1 or to equitably reduce or eliminate programming as provided in subparagraph 2, the Department shall terminate all Transportation Program Agreements and end all services, providing at least 14 days' notice to program participants.
  4. The Department will notify program participants of reductions or program termination no less than 14 calendar days in advance of the reduction or termination of service.
  5. Categorically applicable denials, reductions, and service terminations based on funding limitations are not subject to administrative appeal.

### III. ELIGIBILITY DETERMINATION PROCESS

- A. General -- The Department shall determine program eligibility and enrollment as follows:
1. The Department shall determine whether an application meets the financial and nonfinancial program eligibility criteria set out in Subsection IV;
  2. If the Department finds that an application meets the eligibility criteria, it will notify the applicant, and schedule and conduct an in-person assessment with the applicant, in accordance with Subsection V (Assessments may be conducted through a virtual meeting platform, rather than in-person, under extraordinary circumstances such as a public health emergency.); and



(XXX , 2020)

18-3

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

3. If the Department determines an individual eligible for this program per the financial and non-financial criteria detailed in this Section, it shall determine whether there are available Program resources that would remedy the applicant's transportation barriers to employment.
- B. Application -- To facilitate the process described in Subsection IV (A), the Department shall develop a uniform application for the Program, which will allow the Department to evaluate an applicant's eligibility under Subsection V. The application will also include a list of potential transportation services, from which the applicant may indicate the specific service(s) sought. Applicants may submit completed applications at any of the Department's regional offices or at statewide offices where ASPIRE services are provided. The application date will be the date a valid application is received. To be considered valid, the application must include the minimum information necessary to make an eligibility determination as detailed in IV below. If an incomplete application is received, but it contains contact information, the Department will take steps to aid in its completion.
- C. Enrollment -- The Department shall determine whether an applicant is eligible to receive Program services—and if so, what available services to provide—based on the following:

  1. The Department's review of the applicant's eligibility under the Basic Eligibility Criteria in Subsection V, including the applicant's timely production of any necessary or requested verifications that confirm such eligibility;
  2. The applicant's timely compliance with requests for verification and attendance at the scheduled assessment;
  3. The Department's review of the applicant's transportation needs, employment situation, and suitability for the Program, in accordance with Subsections V and VI; and
  4. The availability of Program resources, and non-program alternatives, that will reasonably address the applicant's Transportation Need as defined by IV(B) below.

If in its evaluation of factors 1-4, the Department determines that participation in the Program is appropriate, it will notify the applicant in accordance with Subsection IV (D). Program enrollment and service delivery shall not occur until the qualified applicant has executed a Transportation Program Agreement under Subsection VII (A).

- D. Decision — Within 30 days of receiving a complete application, the Department will issue a written determination of eligibility at the conclusion of its evaluation. If the applicant is not deemed eligible and qualified for the program pursuant to Subsections V or VI, or if the Department determines that the applicant will receive a transportation service that is not the applicant's first preference, then the notice will identify the reason(s) for the denial or for the particular service selection. The decision will be provided to the applicant within 30 calendar days of the date the Department receives the completed written application, provided the applicant has replied to requests for verifications in a timely manner and completed the scheduled assessment. The notice of decision will include information on appeal rights.

(XXX , 2020)

18-4

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

E. Waitlist -- If the transportation service that an eligible individual requires is not immediately available, the Department will maintain a waitlist that will include the individual's contact information, affirmative eligibility determination, and service request. When the service becomes available, the applicant will be contacted by their preferred method of contact that the individual stated during their Assessment (e.g., telephone, text, email, written postal mail). If contact is not made that same day, a letter will also be sent. The individual will have five calendar days from the date contact is attempted to accept the support. If they do not accept the support within the five days, they will have ten calendar days from the date contact is attempted to contact the department schedule another assessment. If they do not contact the Department within the ten days, they will be dropped from the waitlist.

**IV. BASIC ELIGIBILITY CRITERIA**

A. Financial Eligibility -- Applicants must meet one of the following financial eligibility requirements to receive transportation services as part of the Program:

1. As of the date of application, the applicant must be an included member of an open case in Maine for, and be receiving, federally-funded TANF or TANF-PaS; or
2. The applicant's filing unit (within the meaning of 10-144 C.M.R. Ch. 331, the Maine Public Assistance Manual, Chapter II, and 22 M.R.S. § 3763(8)) must have gross income at or below the gross income standard applicable to Alternative Aid applicants, pursuant to the Maine Public Assistance Manual, Chapter IX.

B. Transportation Need -- To be eligible for the Program, applicants must demonstrate that adequate reliable transportation is their primary barrier to obtaining or retaining sustainable employment. In assessing this need, the Department may require an applicant to make a written statement as part of the application, explaining the applicant's transportation limitations and how they impact job prospects. Determining whether an applicant meets this eligibility criterion will require the Department to consider the facts and circumstances of each individual applicant. At a minimum, the applicant shall provide details concerning, and the Department shall consider, the following:

1. Employment Circumstances -- The applicant must have a reasonable likelihood of obtaining or retaining sustainable employment by participating in the Program. An applicant may meet this requirement by showing the following, or making a similar showing:
  - a. The applicant is actively working thirty (30) or more hours per week, resulting in weekly earned income equal to or in excess of the State of Maine's minimum wage;
  - b. The applicant has a job offer, or offers, that would combine for thirty (30) hours average weekly employment, resulting in earned income equal to or in excess of the State of Maine's minimum wage;

(XXX , 2020)

18-5

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- c. The applicant has at least one pending job application for a position the applicant is qualified for and prepared to accept, within an hour commute of the applicant's residence;
  - d. Within the last thirty (30) days there have been, or there currently are, at least three posted positions, for which the applicant is qualified and that they would have applied to but for transportation limitations, within an hour commute of the applicant's residence; or
  - e. Within thirty (30) days of Program application the applicant will receive a credential, certification, degree or other similar qualification that will enable the applicant to apply for and accept employment within a field that has had in the last thirty (30) days at least three posted positions within an hour commute of the applicant's residence for which the applicant will be qualified upon receipt of the new credential.
2. Transportation Limitations. An applicant will be eligible for the Program only if they do not have access to sufficient transportation to maintain or obtain sustainable employment. An applicant is **not** eligible for the Program, if—
- a. They own a vehicle in reliable running condition. The Department will verify ownership, or lack thereof, by searching for active registration with the State of Maine, Bureau of Motor Vehicles (BMV) and with the BMV or any like agency of any other state where the applicant lived within 12 months of applying. If the applicant contends that their vehicle is not in reliable running condition, the Department will require a written statement from a State of Maine licensed vehicle inspection station;
  - b. Another member of the applicant's TANF household or filing unit owns a vehicle in reliable running condition and does not use the vehicle for work or child care that conflicts with the applicant's actual or anticipated employment schedule. The Department will verify ownership, or lack thereof, by searching for active registration with the State of Maine, Bureau of Motor Vehicles (BMV) and with the BMV or any like agency of any other state where the individual lived within 12 months of applying. If the applicant contends that the household vehicle is not in reliable running condition, the Department will require a written statement from a State of Maine licensed vehicle inspection station;
  - c. Available public transportation can reliably and consistently accommodate the applicant's actual or anticipated schedule of employment hours and child-care-provider-required pick up and drop off times, with an average commute time of no longer than one (1) hour each way; or
  - d. They have consistent access to any other form of reliable transportation that does not limit the applicant's ability to accept new employment, increase hours, change their work schedule, or meet child care needs.

C. Additional Nonfinancial Requirements—

(XXX , 2020)

18-6

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

1. Applicants must meet all of the non-financial eligibility criteria for federally-funded TANF benefits described in Maine Title 10-144 C.M.R. Ch. 331 chapter II with the following exceptions:
  - a. Establishing Paternity and Assignment of Rights to Support;
  - b. ASPIRE-TANF.

NOTE: This exception does not waive any requirements to participate with ASPIRE based on participation in other TANF-funded programs.
2. No applicant is eligible to participate in the Program if at the time of application or subsequent to the application—
  - a. The applicant or another member of the applicant’s TANF filing unit has received three (3) or more Department sanctions including from, without limitation—ASPIRE, Division of Support Enforcement and Recovery (DSER), and Quality Control (QC) in the last twenty-four (24) calendar months; or
  - b. The applicant or another member of the applicant’s TANF filing unit has had an Intentional Program Violation (IPV) for any needs-based benefit program in Maine, or any other state within the United States.
3. Applicants who are mandatory ASPIRE Program participants must meet the following conditions:
  - a. Be in compliance with the terms of their Family Contract Amendment;
  - b. Not have a current sanction for failing to comply with the ASPIRE Program;
  - c. Not be exempt from ASPIRE work participation requirements. This limitation includes federally allowed exemptions of caring for a disabled family member, or caring for a child under the age of one (1); and
  - d. One of the following:
    - i. Have been successfully meeting the ASPIRE work participation requirements without need for good cause for each of the previous three months, or since beginning participation with ASPIRE, whichever is shorter; or
    - ii. Have had employment of an average of thirty (30) hours per week resulting in weekly earned income equal to or in excess of the State of Maine’s minimum wage for each of the previous three months, or since beginning participation with ASPIRE, whichever is shorter; or
    - iii. During the relevant period, have attended full time (as defined by the institution) college courses that resulted in an Associate’s or Bachelor’s Degree, or attended

(XXX , 2020)

18-7

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

a training or education course(s) for an average of thirty (30) hours per week that resulted in a work credential.

4. Individuals who are not mandatory ASPIRE Program participants must meet the following conditions:

a. Qualify as a member of a TANF filing unit, in which a qualifying specified relative is maintaining a home for a child under the age of eighteen (18), or who is eighteen (18) and attending school full time. The provisions of the Maine Public Assistance Manual, Chapter II, apply to determine whether an applicant meets the qualifications under this subsection;

b. Be actively working thirty (30) or more hours per week, resulting in weekly earned income equal to or in excess of the State of Maine's minimum wage before receiving any transportation service under the Program; and

c. Attend a Program orientation and comply with all requirements associated therewith before receiving any transportation service under the Program.

D. Additional Eligibility Criteria for Vehicle Access—Applicants requesting to receive access to a vehicle through the Program must meet additional eligibility requirements to receive the service. Applicants otherwise meeting the eligibility criteria in this section may receive other transportation services available through the Program until satisfying the following criteria:

1. Have a current valid driver's license in any state in the United States;

2. Be at least twenty-one (21) years of age;

3. Demonstrate the ability to responsibly own and maintain a vehicle. This demonstration includes completion of each of the following courses prior to vehicle delivery, if courses are available online or within a reasonable distance from the applicant's residence:

a. Driver safety course (Maine Driving Dynamics);

b. Vehicle ownership orientation; and

c. Vehicle ownership course including financial preparation.

4. Not have been convicted of any of the following offenses, as determined by self-attestation and a background check:

a. Operating Under the Influence (OUI), Driving Under the Influence (DUI) or Driving While Intoxicated (DWI) in the past ten (10) years;

b. More than two (2) moving violations or at-fault accidents in the past five (5) years;

(XXX , 2020)

18-8

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- c. Any moving violation in the six (6) months immediately preceding Program enrollment; or
- d. Any crimes of violence leading to bodily injury of another.
- 5. Make a down payment to the Department in the amount equivalent to three (3) monthly premium payments, as provided in Subsection VII (C)(2). This payment may be made in no more than three (3) installments, over no more than three (3) months, and may not be waived. Participants may not receive ASPIRE, FSET, or HOPE support services to cover the down payment.
- E. Verifications -- Except where otherwise specified, above, and unless the Department can obtain verification through its own records or the records of its agents, the Department shall require written or third-party verification of any factor impacting Program eligibility. Failure to respond to requested verifications within ten (10) business days may result in a denial.

**V. ASSESSMENT**

- A. General -- As part of the determination of Program eligibility, the Department will conduct an assessment of the applicant to evaluate the applicant's qualifications, particularly with regard to their transportation need, as set out in Subsection V(B). Provided that all eligibility criteria are satisfied, the assessment will also evaluate available transportation service options to determine the option best suited to an applicant's particular situation. The Department may determine, as a result of the assessment, that the applicant may receive program services that are different from the applicant's initial request.
- B. Format and Scheduling -- The assessment will be scheduled verbally or by a written scheduling notice and shall be conducted in person between the applicant and the Department. (Assessments may be conducted through a virtual meeting platform, rather than in-person, under extraordinary circumstances such as a public health emergency.) Failure to complete a scheduled assessment without providing 24 hours of advance notice and rescheduling at a mutually agreed time no more than one week after the original date may result in a denial. If it has appropriate information at the time, the Department may verbally notify the applicant at the time of the assessment that they are eligible for the Program and suitable for an available option. If such a determination is appropriate, the Department and the applicant shall execute a Transportation Program Agreement at that time, and the Department may begin providing Program services immediately, as appropriate. If the Department makes such a determination at the time of the assessment, and the applicant executes a Transportation Program Agreement, the applicant may, at their sole option, elect not to receive a separate written decision about Program eligibility under Subsection IV (D).
- C. The Department shall discuss the following with the applicant during the Assessment:
  - 1. Any information in or missing from the application that is relevant to eligibility criteria set out in Subsection V;
  - 2. Any information in or missing from requested verifications;

(XXX , 2020)

18-9

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

3. The applicant's current employment status, including details concerning earnings and scheduled work hours;
4. The applicant's employment history from the past twenty-four (24) months, to include self-employment and subsidized employment;
5. Transportation resources currently available to the applicant;
6. The applicant's method of transportation used in the past twelve (12) months;
7. The applicant's current or anticipated travel route to child care and employment;
8. Details of any vehicles owned or registered to the individual to include, but not limited to, outstanding loans, year, make, model, mileage, condition, current status of title, registration, inspection, liens, and insurance;
9. Driving background to include a review of a background check which shall include searches of the State Bureau of Investigation (SBI) and Maine's Bureau of Motor Vehicles (BMV) records;
10. Any other matter that impacts the applicant's Program eligibility or suitability for a service or set of services; and
11. Information on the applicant's preferred method of contact.

**VI. PARTICIPATION AND CONTINUED ELIGIBILITY REQUIREMENTS**

- A. Program Agreement -- Prior to receiving any services under the Program, and before any changes to services can take effect for ongoing cases, participants must execute with the Department a Transportation Program Agreement (Agreement).
  1. Form and Duration -- The Agreement must be reviewed and renewed no less often than once every six months, or whenever there is a material change in a participant's employment or transportation circumstances.
  2. Effect -- The participant shall comply with the terms of their Agreement, and failure to do so may result in termination of enrollment, per Subsection VIII, a Program overpayment, per the Maine Public Assistance Manual, Chapter VI, and/or an Intentional Program Violation (IPV), per the Maine Public Assistance Manual, Chapter VI.
  3. Content -- Each Agreement shall be tailored to the facts and circumstances of the Program participant. In addition, all Agreements must include the following:
    - a. An attestation by the participant that they do not have sufficient access to reliable transportation to allow the them to retain or obtain sustainable employment;
    - b. A commitment that the participant will report to the Department immediately if they determine that they cannot meet the requirements of the program;

(XXX , 2020)

18-10

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- c. A commitment that, once enrolled in the program, the participant will not voluntarily reduce hours of employment below the average of 30 hours per week;
  - d. A commitment that the participant will report changes of employment circumstances (including without limitation -- employer, hours, schedule, and earnings), the availability of alternative transportation options, and contact information to the Department within ten days of their becoming aware of the change;
  - e. A commitment that the participant will attend in-person meetings with the Program as scheduled, and no less often than once a month during the first six months of program participation (These meetings may be conducted through a virtual meeting platform, rather than in-person, under extraordinary circumstances such as a public health emergency.); and
  - f. A commitment that the participant will not engage in disruptive conduct during any program-coordinated transportation service.
  - g. A commitment by the Department to provide transportation services so long as the participant abides by the agreement, meets all other eligibility requirements and such services are at the Department's disposal.
4. Content Specific to Vehicle Access Services -- Prior to receiving such service under the Program, participants eligible for and seeking to gain access to a vehicle under the Program must execute an Agreement that, in addition to the provisions specified in Subsection VII (A)(3), includes—
- a. A commitment to use the vehicle primarily for purposes of commuting to and from work;
  - b. A commitment not to sell or trade the vehicle during Program participation, without prior authorization in writing from the Director of the Office for Family Independence or their designee;
  - c. A commitment not to allow other members of the household to drive the vehicle;
  - d. A commitment not to use the vehicle for income producing transportation services or for transportation services which result in mileage reimbursement for transporting others;
  - e. A commitment to operating the vehicle in compliance with all applicable traffic and parking laws;
  - f. A commitment not to operate the vehicle under the influence of alcohol, illegal drugs, or prescription drugs that impair a person's ability to operate motor vehicles;
  - g. A commitment not to consume alcohol, illegal drugs, or prescription drugs that impair a person's ability to operate motor vehicles while in the vehicle, whether or not the vehicle is running;



(XXX , 2020)

18-11

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- h. A commitment to report any accidents, thefts, or similar types of incidents involving the vehicle to law enforcement immediately;
  - i. A commitment to protect the vehicle from theft and vandalism by locking the vehicle and parking in well-lit areas, to the extent possible;
  - j. A commitment to conduct routine maintenance on the vehicle as necessary, including but not limited to, regular cleaning of the interior and exterior of the vehicle, oil changes, and maintaining fluid levels;
  - k. A commitment not to operate the vehicle when it is in an unsafe condition or in need of repairs, to report such a condition to the Department immediately, and to cooperate with the Department in arranging for necessary repairs;
  - l. A commitment not to use the vehicle for any illegal activities;
  - m. A commitment to make monthly premium payments timely and in-full, as described in Subsection VII (C);
  - n. Subject to Subsection VII (C)(1), a commitment to timely cooperate with and assist the Department in—
    - i. maintaining active, current registration for the vehicle,
    - ii. maintaining active, current insurance on the vehicle,
    - iii. ensuring the vehicle timely passes state inspection, and
    - iv. ensuring all applicable taxes on the vehicle are paid; and
  - o. A commitment to immediately return the vehicle to the Department upon demand, for failure to comply with the terms of the Agreement or the rules of the Program, including transferring title to the Department where applicable.
- B. Annual Review -- No less often than once every 12 months following initial Program Enrollment, a participant will attest to the Department and confirm with verifications as requested by the Department that --
- 1. Without regard to how the participant initially gained financial eligibility into the Program, the gross income of the participant's filing unit (within the meaning of the Maine Public Assistance Manual, Chapter II) is less than or equal to 250 percent of the federal poverty level;
  - 2. Transportation would be a primary obstacle to retaining sustainable employment if the participant withdrew from the Program; and
  - 3. The participant continues to meet all applicable nonfinancial eligibility requirements set out in Subsection V (C) and (D).

(XXX , 2020)

18-12

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

C. Changes between reviews — The Department shall connect with the participants, verbally or in writing, three, six, and nine, and each subsequent 12 months from the date of the start of the Participant’s eligibility determination in order to:

1. Ensure compliance with vehicle maintenance requirements as outlined in the TPA;
2. Verify continued employment; and
3. Refer the Participant to new transportation resources as needed.

D. Additional Vehicle Access Provisions --

1. To the extent reasonably practicable, the Department shall transfer title to all vehicles provided to program participants within 30 calendar days of vehicle distribution. Prior to transferring title, in addition to determining that the participant has met all relevant eligibility criteria, the Department must—
  - a. Determine that, without assistance from the Department, the participant is financially able to pay all expenses associated with owning the vehicle including, without limitation, expenses associated with the provisions of Subsection VII (C)(1)(b), below; and
  - b. Require the participant, as an additional provision of the Agreement, to—
    - i. maintain active, current registration for the vehicle,
    - ii. maintain active, current insurance on the vehicle,
    - iii. ensure that the vehicle timely passes state inspection, and
    - iv. ensure that all applicable taxes on the vehicle are paid.
2. Monthly Premiums -- Notwithstanding title to the vehicle, participants must pay to the Department a premium of \$100 by the 15<sup>th</sup> day of each calendar month in order to maintain access to such vehicle under the Program.
  - a. If a participant’s filing unit (within the meaning of the Maine Public Assistance Manual, Chapter II) has income greater than 200 percent of the federal poverty level, the participant’s monthly premium will be \$150.
  - b. A participant’s first failure to make a timely monthly premium payment will result in an overpayment in the amount of the premium due and an official warning issued by letter. A second failure to make a timely premium payment will result in an overpayment in the amount of the missed premiums and an obligation to return the vehicle to the Department, per the Agreement.
  - c. Temporary Waiver -- For no more than one month at a time, the Department may waive the monthly premium and any penalty for failure to make a payment thereof,

(XXX , 2020)

18-13

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

upon a participant's written or oral request and verification prior to the payment due date that—

- i. the filing unit's income has fallen below 100 percent of the federal poverty level; or
- ii. the participant is experiencing a crisis or extreme hardship, as determined by the Director of the Office for Family Independence or their designee.

Without regard to this Subsection, if a participant cannot pay the premium for more than two months in a row or three months in a 12 month period, the Department will conduct a new assessment and reassign the participant to a more suitable transportation option, if one is available.

- d. Participants may not receive ASPIRE, FSET, or HOPE support services to cover the premium.
3. Program Graduation -- After a participant has made a total of 24 monthly premium payments, in addition to the down payment, participation in the program and obligations under the Agreement will end, and the participant will retain ownership of the vehicle without continuing premium payment obligations. The Department shall notify participants in writing at the time of such graduation.
  4. The Department shall pursue an intentional program violation (IPV) when a participant has knowingly failed to return the vehicle upon the Department's demand or has sold or traded the vehicle during Program participation without prior authorization in writing from the Director of the Office for Family Independence or their designee. The dollar amount of any overpayment associated with such an IPV will be calculated as follows —
    - a. All down payments and premium payments made toward the vehicle shall be added together;
    - b. That sum shall be reduced by the total of all maintenance costs paid by the Department for the vehicle. If this reduction results in a negative figure, it will be treated as a zero.
    - c. This difference shall be subtracted from the NADA clean retail value at the date the vehicle was transferred to the participant.
    - d. This difference shall the amount of the overpayment.

## VII. TERMINATION AND APPEAL

- A. Early Termination of Services -- Program services to a participant shall be terminated when one of the following occurs:
  1. The participant no longer meets all applicable program eligibility requirements set out in Subsection V; or

(XXX , 2020)

18-14

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

2. The participant fails to comply with a provision in their Agreement.

A participant shall not be terminated from the program due to failure to comply with their Agreement if the noncompliance concerns employment, and the participant demonstrates either --

a. That the participant was terminated or had hours reduced through no fault of the participant; or

b. The noncompliance was due to a medical condition or illness of the participant or a dependent who requires full time care. This noncompliance must last no more than two (2) calendar weeks. The medical condition or illness must be verified by a medical provider approved by the Department.

B. Appeal Rights -- A participant who disputes an application decision or a program decision, including a decision on a selection, reduction, or termination of transportation services; a denial of a monthly premium temporary waiver; or an overpayment; has the right to an administrative hearing, provided the request for the hearing is made timely. Department staff will complete the hearing request on behalf of the participant and file it with the Administrative Hearings Unit. See 10-144 C.M.R. Ch. 331, Maine Public Assistance Manual (TANF) Chapter VI, for additional information on Fair Hearings and Administrative Hearings and Intentional Program Violations.

1. The request for an administrative hearing must be made within thirty (30) calendar days of the issuance of the notice of action which is disputed. If the disputed decision involves the suspension or termination of transportation services which have previously been provided, and the participant requests an administrative hearing within ten (10) days of the notice, transportation services will continue pending the outcome of the administrative hearing.

2. The hearing will be conducted in accordance with the rights and procedures set forth in 10-144 C.M.R. Ch. 1 *et seq.*

**END OF SECTION**

**Transcript of Public Hearing held August 20, 2020**

**10-144 C.M.R. Ch. 607 – ASPIRE – TANF Program Manual  
ASPIRE Rule #25P – Working Cars for Working Families**

**Anthony Pelotte, Director of the Office for Family Independence**

Hello everyone, I'm Anthony Pelotte, Director of the Office for Family Independence. We are conducting a public hearing on ASPIRE rule number 25 – Working Cars for Working Families. Joining me today are Liz Ray, Associate Director for Policy and Programs, Julian Baer, Senior Program Manager for ASPIRE and TANF; Christine Wojdyla, OFI's Senior Policy Advisor; Michael Downs, Rules Manager, who is assisting with logistics; and Regional Policy Specialist Karen Verrell who is covering the phones. Should technical difficulties remove me from the hearing, one of these individuals will assume the role of representing OFI.

The Department will use the log in to this Teams live event as the attendance list for this hearing. Please know that you may sign in as anonymous if you choose, or you can use your full name and, if applicable, your organization. If you wish to change your sign in to anonymous, or change your name, or add your organization, or add your name; you can do that now by signing out and signing back in with that information. We will take a brief, 60 second, pause to allow people to do so, starting now.

OK, uh, Technical questions about this Teams live event can be posed in the Questions and Answers option of this tool. Technical questions posted, ah, posed here will be addressed by one of the OFI staff introduced earlier. This functionality be ... can be used to request assistance accessing the call queue or if you have other technical questions about the format of the hearing. OFI may also post announcements in the Q & A, including information such as where to find the rule documents and contact information for submitting written comments. The technical questions submitted in the Q & A will not be shared with other attendees during this hearing. The Q & A will not be part of the official record of comments for this rule. Written comments regarding the policy should not be submitted via the technical Q & A. So, I just want to make sure that everybody understands that. So, I'll repeat those last couple of sentences. The technical questions submitted in the Q & A are about the format of this hearing, and how to use Teams, and to ask some specific questions about how you can submit comments. Any written comments regarding the policy should not be submitted in that Q & A functionality. We will talk about how that ... how to submit those policy questions in a moment.

Policy questions regarding the rule should be submitted as comments, and will not be addressed during the hearing (meaning, we won't be answering any questions or replying to any comments today).

There are copies of the proposed rule available for those who need them. They can be found at [maine.gov/dhhs/ofi](http://maine.gov/dhhs/ofi). Um, They are going to post that link in the Q & A functionality, and it will also be part of the PowerPoint presentation that will be presented during this afternoon's hearing session.

Now, I will go over the format of today's hearing. This hearing is an opportunity for you to provide the Agency with your oral comments regarding the proposed rule. Today's hearing is not an opportunity for the Agency to respond to your comments. Therefore, neither I, nor members of my staff, will be addressing any policy comments here today. Also, I just want to let folks know, that, if at any time, any inappropriate language is used, that will result in immediate termination of the call.

Commented [DME1]: 8/13 Pick up here time stamp 4:28

**Transcript of Public Hearing held August 20, 2020**

**10-144 C.M.R. Ch. 607 – ASPIRE – TANF Program Manual  
ASPIRE Rule #25P – Working Cars for Working Families**

When the hearing is complete, we will transcribe all comments from the recording created by the Teams application. Any additional written comments will be accepted until the comment submission deadline, which is Thursday, August 20, 2020, at 5:00 PM. So, again, if you are not able to get your full oral comment in on the policy today, you can still, uh, submit your written comments by Thursday, August 20, 2020, uh, 5:00 PM deadline. Those comments are then analyzed. The Office for Family Independence will respond in writing and will make changes, as appropriate, in the proposed rule. A copy of the written comments and agency responses will be available after the rule is final. You can find those at OFI's website or if you wish to receive the comments, please contact us at the number on the cover sheet of the rule.

Now, to provide verbal comment during this hearing, please call (855) 797-4357 and select option 9. Again, the number is (855) 797-4357 and select option 9. This information is also in the "Featured" portion of the Q&A within this Teams live event. Callers will be queued in the order in which they call. While waiting to comment, continue to listen to this Teams live broad... event. If there is a delay of 10 seconds or more in the broadcast, that is to be expected. Once your call is answered by Ms. Verrell, please mute your device. Ms. Verrell will ask you to state and spell your name and, if applicable, your organization. This information, along with your comments, will be broadcast over the Teams live event, captured as part of the hearing record, and used as a commenter sign in sheet. If you wish to remain anonymous, again, that is fine, just, please indicate as such when you talk to Ms. Verrell.

Your oral comments will be recorded as accurately as possible, but it would be helpful if you could also submit your comments in writing. Again, the deadline for the written comments is Thursday, August 20, 2020, at 5:00 PM. Written comments can be submitted via the DHHS website, Office for Family Independence Rulemaking page.

When you have concluded your comments, you may simply hang-up. If you wish to continue to listen to the hearing, un-mute your device. If technical difficulties con ... uh, disconnect the call, simply call back in and you may resume your comments as soon as possible.

That was a lot of information, um, and this is, also, the first time that we've done a video, uh, call-in hearing here at OFI, so, we may have a few growing pains, but the team has been working hard to prepare for today, so, hopefully, it will go well.

Alright. Now, we will formally begin the hearing.

Today is Monday, August 10, 2020, and we are gathered to conduct a public hearing on ASPIRE rule number 25 – Working Cars for Working Families.

These rules were filed with the Secretary of State's office on May 22, 2020 and noticed in the newspapers on June 3, 2020. All individuals on the Interested Parties lists were also sent copies of the rule. Notice of this hearing and extension of the comment deadline were filed with the Secretary of State's office on July 17, 2020. All interested parties who provided a valid e-mail address were notified on July 18, 2020. Notices were published in the newspapers on July 22, 2020.

We will now take our first call for comments.

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**Transcript of Public Hearing held August 20, 2020**

**10-144 C.M.R. Ch. 607 – ASPIRE – TANF Program Manual  
ASPIRE Rule #25P – Working Cars for Working Families**

**First Commenter: Anonymous**

**Karen Verrell:** You are now live on the broadcast. Please state and spell your name, and if applicable the organization that you represent. You may, also, remain anonymous. Once you have completed your comments, you may simply hang up.

**Anonymous:** Anonymous.

**Karen Verrell:** You can continue with your comments.

**Second Commenter: Deborah Ibonwa, Policy and Legal Advocate, Maine Equal Justice**

**Deborah Ibonwa:** Ok.

**Karen Verrell:** You are ...

**Deborah Ibonwa:** I'll mute the live stream?

**Karen Verrell:** If you're ... If you're ... If you're listening to it, like, on your phone or on another device, just mute those speakers.

**Deborah Ibonwa:** Ok.

**Karen Verrell:** Ok. So, You're ... You're now live on the broadcast. Please state and spell your name, and if applicable the organization that you represent. You may also remain anonymous. Once you have completed your comments, you may simply hang up.

**Deborah Ibonwa:** My name is Deborah Ibonwa, and I am a policy and legal advocate at Maine Equal Justice.

Sorry. How do I know when to start testifying?

**Karen Verrell:** You can continue with your comments.

**Transcript of Public Hearing held August 20, 2020**

**10-144 C.M.R. Ch. 607 – ASPIRE – TANF Program Manual  
ASPIRE Rule #25P – Working Cars for Working Families**

**Deborah Ibonwa:** OK. Good afternoon, my name is Deborah Ibonwa, and I am Policy and Legal Advocate at Maine Equal Justice.

Um. This testimony is in addition to ... I'm here to present the following testimony, which is in addition to the 14-page comment that Maine Equal Justice submitted on July 1, 2020.

To start, I would like to make clear a couple of points: The Working Cars for Working Families Program was established because transportation is one of the top three barriers to employment for parents with low income; And these cars are not free (Um, I want to make that clear); And, um., participants may not sell cars for profit under this program. And, here are some more detailed points:

Number 1, this program does not provide people with free cars. Participants must pay three-months-worth of premium payments as a non-waivable down payment in no more than three installments. They, then, must pay 24-months-worth of premium payments before they can even have title transferred to them. Participants, also, will pay for maintenance costs, um, and, insurance, registration, inspections, and all applicable taxes. If they miss one payment, they are issued an overpayment according to the proposed rules. Um. And if they miss two, the participant has to return the vehicle. The Department also has to make a preliminary determination that the participant would be able to cover all of these expenses.

Secondly, it is not true that applicant ... the participants would be able to sell these cars for profit. According to the rules, this would be an intentional ... uh, the Department should pursue an intentional program violation when a participant has sold or traded the vehicle, during the program participation, without prior authorization. In fact, the seller would have to pay back a cost equal to the car's value at the time it was provided, and intentional program violations can involve criminal prosecution for fraud ... for fraud depending on the facts of the case.

Third, programs, like Working Cars for Working Families, in other states, have helped people get and maintain employment. Our legislators worked with an organization called Good Wheels Garage in developing this program. Which runs similar programs in New Hampshire, Vermont, and Massachusetts. According to a survey of the program participants in those states, in Vermont, for example, 51% of those surveyed reported a decrease in their reliance on Public Assistance due to the vehicle, uh, receiving the vehicle, and 60% attributed achieving employment to, uh, receiving a vehicle.

Fourth, this program is established in law and it is not optional. In fact, it was passed by the legislator ... the legislature and signed into law by Governor LePage in 2017. State Statute specified that rules be adopted in the 2017-18 state fiscal year. Obstruction and delay by Governor ... by Governor LePage meant that Governor Mills would need to take up rulemaking that should have happened years earlier.

And, overall, Working Cars for Working Families would disproportionately assist Mainers in rural areas who lack economic security in large part due to lack of transportation resources, and, from our experience working with families in poverty, lack

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**Transcript of Public Hearing held August 20, 2020**

**10-144 C.M.R. Ch. 607 – ASPIRE – TANF Program Manual  
ASPIRE Rule #25P – Working Cars for Working Families**

of consistent and affordable transportation is one of the top three barriers to employment. Make that clear again. With reliable transportation, parents can— get to work more consistently, work more hours, and earn higher wages. It can improve their family’s well being and reduce their need for Public Assistance. And, we know this from the examples that I cited above in different states.

Thank you for the opportunity to testify today.

**Anthony Pelotte:** OK. Thank you, and, uh, congratulations on being the, uh, first, uh, successful caller in this, uh, mixed media forum. Uh, We are ready to hear from the next commenter. There will be a brief pause as the next commenter is connected to the broadcast.

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**Third Commenter: Dale McCormick, Women Unlimited**

**Karen Verrell:** You are now live on the broadcast. Please state and spell your name, and if applicable the organization that you represent. You may, also, remain anonymous. Once you have completed your comments, you may simply hang up.

**Dale McCormick:** Ok. Uh, So, my name is Dale McCormick. Thank you for taking my comments. Um, I ... my organization would be Women Unlimited which is, currently, out of business and it’s a non-profit program that saw, for jeeze, I think 28 years, from about 1987 till ... you do the math, uh, served low income women, specializing in women on welfare. We accepted anybody into the program but we really tailored, uh, the curriculum to women on welfare. And the purpose of Women Unlimited was to train women so that they could compete to get trained in technical jobs which, as you probably know, are good paying jobs. Uh, So, that’s who I am.

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And, uh, and, I ... When I heard about this, uh, hearing, I wanted to testify because this program sounds like the answer to my prayers when I was director of Women Unlimited.

Um, as the prior caller said, and as anyone who has been for the last 30 to 50 years working on helping women to, uh, transition from welfare to work knows, transportation is, I know the prior caller ... caller said one of the top three, I ... In my experience it was number one. And, um, to create a program like this that would, especially for the women who Women Unlimited helped get off welfare, um, meaning women who accessed trade and technical jobs which are, usually, all over the place and not on a bus route, if there are any bus routes through rural ... rural Maine or not on a ... a carpool that DOT has set up, um, except maybe for the, um, for when we were ... the three years that we were constructing the, um, Casco Bay Bridge. (There were carpools to that.). So, having access to a car like this program provides will ... will just be life changing for women and had it ... had this program been available when I was directing Women Unlimited,

**Transcript of Public Hearing held August 20, 2020**

**10-144 C.M.R. Ch. 607 – ASPIRE – TANF Program Manual  
ASPIRE Rule #25P – Working Cars for Working Families**

uh, it would have changed the number of women we could place in these good paying jobs by, uh, woah, two, three, four ten fold. Uh, it's, uh, important.

Um, and, just to brag, for a minute, so that you can know that I'm not a fly-by-night person but that Women Unlimited, for 28 years, really helped change the lives of probably hundreds of women on welfare. In, uh, in the building of the Casco Bay Bridge, in that process, um, Women Unlimited, in partnership with the, uh, Maine Department of Transportation and the Federal Highway Commission, managed to break the record nationally, which I do not think has ever been broken since, of ... for the number of hours that women and minorities worked on a federally funded transportation job at eleven percent. Eleven percent of the hours were worked by women on the Casco Bay Bridge, and the secretary of transportation, Secretary Skinner, came to Maine and gave us an award for the State of Maine and the DOT and the federal highway. So, um, we knew what we were doing, we knew how to train and place, uh, women in good paying jobs, and had a program like Working Cars for Working Families been, uh, available to us then, um, which would have been anywhere from 87 to ... I can't do the math real quick in my head ... to into the two thousands, um, we would have ... we would have, probably... We'd have been able to post even more, um, hours worked on the Casco Bay Bridge and placed tens and hundreds of more women, um, from welfare to work.

So, that's my comment, and you already said, uh, you're not going to ask me any questions, but, if you did want to ask me any questions, uh, I can ... uh, my name is Dale McCormick and my e-mail is [DMcCormick11@AOL.com](mailto:DMcCormick11@AOL.com).

Thank you for listening.

**Anthony Pelotte:** Thank you. Alright, we're ready to hear from our next commenter. Ah, remember, there might be a little bit of a pause in ... in between.

**Fourth Commenter: Julie Rabinowitz, Maine People Before Politics**

**Karen Verrell:** You are now live on the broadcast. Please state and spell your name, and if applicable the organization that you represent. You may, also, remain anonymous. Once you have completed your comments, you may simply hang up.

**Julie Rabinowitz:** Hi, yeah, I'm Julie Rabinowitz with Maine People Before Politics. My name is spelled J U L I E R A B I N O W I T Z. And Maine People Before Politics, we have, previously, submitted, uh, draft comments, and I'll just highlight those briefly, but I want to focus, uh, the comments today on a comparison of what was in the draft rules with what has been posted in the RFP. Um, but, I would ... I would say that there is definitely a lack of clarity around the title transfer. Um, In the draft rules it is not specific that the title would be transferred upon graduation of the program. It says receipt of the car and that is similar language ... um, or receipt of the vehicle in the RFP, and, so, if, the intent

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**Transcript of Public Hearing held August 20, 2020**

**10-144 C.M.R. Ch. 607 – ASPIRE – TANF Program Manual  
ASPIRE Rule #25P – Working Cars for Working Families**

of the Department is to transfer title after all the premium payments have been completed, then, that would, definitely, need to be clarified, because, it could certainly be challenged under the way the draft rules are, currently, uh, written.

Um, so, let me continue with, and focus on the RFP. So, um, right now, the draft rules and the statute, note that the section ... the statute that authorizes this program's operation, repealed on July 1, 2022, and that is in conflict with the RFP which has a contract end date, um, of September 30, 2022. And my concern is that, this ... uh, the way the contract is worded, this, uh, contract would, actually, exceed the authority of this statute to operate the program.

Um, Secondly, I want to note that the rules as drafted require a 30-day, uh, period in which the title has to be transferred yet, the RFP requires a 90-day, uh, transfer period. So, uh, the RFP, in that case, would be in violation of the draft rules. But, we're, obviously, concerned about transferring the title, uh, while the premiums are being paid, and prior to graduation of the program. And, we're, also, concerned that upon graduation of the program, there's no requirement that the participant, uh, keep the car, and it's not clear as to how that car would be, uh, counted in the assets of the individual, because that car could, still, be worth 15 or 20 thousand dollars depending on the make and model and how much, uh, mileage is on it.

Um, There's also a concern about the draft rules regarding, uh, the purpose for and the use of the premium payments. And, um, the draft rules states the premium payments ... um, that they have to make the premium payment of the \$300 down payment and then the \$100 a month or so that that payment is there, um, and that separately, uh ... and this is in sect ... subsection VII(C) the additional vehicle access provision, that basically that the Department is requiring that outside of any assistance, the participant is able to pay for their ...um, for the premium, as well as, it enumerates, the maintenance ... uh, any maintenance costs, uh, and any kind of, uh, registration, excise taxes, insurance, etc. Um, but, in the RFP, it specifically details that these premium payments are to be held, uh, and set aside, and to be used for those payments for excise taxes, insurance, uh, and repairs on the vehicles, as well as, inspections. So, there's, definitely, a conflict between— the rule, as drafted, which is basically saying that those additional costs have to be able to be paid for by the par... by the participant outside of any benefit; and, then, the RFP which is saying that those premium payments would not be applied to the cost of the car; That they would actually be held, essentially, in trust for the individual in the program and, then, in that case, those payments are being paid for... um, those payments are being used to pay for the costs of vehicle ownership; And, in that case, there's ... the ... the vehicle is free, because, um, there's no payment, premium being applied toward the value of the vehicle or, even, being retained by the contractor or the Department; All of those premiums are being held and then used to pay for the cost of vehicle ownership as drafted in RFP.

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Um, We're also concerned about the RFP and the rules for lacking any specification regarding the requirements about handling these payments, whether there will be interest accrued, to whom that interest would accrue, uh, what does a late payment constitute, because it says it has to be paid by the ... by the 15<sup>th</sup> of the month and how many times

**Transcript of Public Hearing held August 20, 2020**

**10-144 C.M.R. Ch. 607 – ASPIRE – TANF Program Manual  
ASPIRE Rule #25P – Working Cars for Working Families**

... and what .. and, you know, if it's paid on the 16<sup>th</sup>, is that a violation? Does it have to be postmarked by the 15<sup>th</sup>? There's a lot of technicalities there that you're dealing with, um, you're dealing with someone's vehicle for their livelihood, and you're also dealing with a very high value asset for the State of Maine and, you need to make sure that that is very clear as to how all of those payments are going to be accrued, and, if there's any money in the fund left over upon program graduation, are those funds reimbursed to the individual or do they get retained by the, uh, agency?

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Um, There is also a lack of timelines for the development of the polices and the computer system administration. And, that brings us to the next point, which is that this program is ... is to sunset, currently, on July 1 of 2022; Uh, It requires 24 months of payments but, yet, between the RFP getting started and then the contractor being able to come up um, the rules are very specific around the 24 months but the program, technically, could, probably, end when the payments have only been made for 18 months. So, at that point, uh, how do you resolve the situation? Do they need to pay the balance of the payments to the state? Do they just keep the car with only 18 months' worth of payments? Um it's that resolution and the conflict between the timing of the contract, the number of payments that are required under the rules, and the day of sunset the statute is another problem that needs to be addressed legally, within ... and in light of the transfer of the titles etc.

Um, We are, particularly, concerned, that there is no requirement, in the RFP, or any requirement, in the rules, that these vehicles be contracted and purchased from Maine's new or used car dealerships.

Um, We are concerned that there are no limits on the value or the types of cars that can be purchased and whether or not a donated vehicle that is a high value vehicle, uh, would be, um, subject to being sold and then having those funds repurposed into the program to provide more vehicle access than just one individual vehicle.

Um, The rules lack specifications around the provision of Drivers' Ed and eligibility of newly licensed drivers in eligibility for vehicle access. We know that newly licensed drivers have provisional licenses and the reason is because they are more accident prone. They have a statistically higher average of accidents and, so, would there be limits on the timing of when they could access a vehicle under this program?

Um, There is, also, a lack of clarity, in the rules, regarding the consequences for violation of the commitments. For ex... for example, if someone repeatedly allows someone else to drive the vehicle, how many times is allowed before it is deemed sufficient to result in the disqualification of the participant? And, how is that going to be monitored? Um, if it's an intentional program violation if someone other than the participant is pulled over by law enforcement or in an accident while driving the vehicle.

Uh, the RFP and the rules lack specifications for the handling of ... the handling of funds: the payments, the processing times, the posting to participant accounts, uh, the ... how the payment processing requests will be handled, and whether the payments will be issued directly to the vendor, or the, uh, participant, and how will the participant be

**Transcript of Public Hearing held August 20, 2020**

**10-144 C.M.R. Ch. 607 – ASPIRE – TANF Program Manual  
ASPIRE Rule #25P – Working Cars for Working Families**

reimbursed for costs that are initially paid out-of-pocket but then the expenses actually qualify for payment out of the accrued fund?

Uh, the RFP ... the rules lack requirement for a system to track or monitor the vehicles to make sure they are not being used for unauthorized purposes.

And, um, the ... I have mentioned that one so, let me continue down my list.

The RFP staffing requirements lack any requirement for a person to oversee financial transactions, enter in track payments, and ensure on time payment of purchasing and bills.

There's nothing requiring any staff experienced in handling trust accounts or funds or escrow accounts or things of ... things of that nature as this program is setting up.

Uh, none of the RFP performance measures include accurate tracking, handling or management of the program assets, to include the vehicles and to include the participants' money. And, none of the RFP performance measures ensure that the program is managed ... to ensure that the vehicles are provided in a way that maximize the resources, for examples, limits on the cost of vehicles purchased for the program, requirements that high value vehicles donated to the program are sold to reduce the cost of maintenance, or to purchase more than one vehicle.

And, the RFP does not specify how the Department funds are to be handled, rather it asks the bidder to propose how it will handle the funds. And we... it ... it ... We have a ... a serious concern about that. The Department should be specifying the minimum requirements to how its program funds are to be disbursed and managed and that should be done in the rules. It should not be, uh, left to the discretion of the contractor to propose and that should be incorporated, certainly, into um ... you know, how that disbursement of funds ... How those percentages are used and ... and how they're used over time to meet the program targets should be part of the rules and, certainly, part of the contract.

Thank you very much.

**Anthony Pelotte:** Thank you. OK. We're ready to hear from our next, uh, commenter.

**Karen Verrell:** Tony, at this time, there's no other commenters on the queue line.

**Anthony Pelotte:** OK. We will just, uh, await any further calls.

(2 minutes of silence)

**Fifth Commenter: Dale McCormick, Women Unlimited (again)**

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**Transcript of Public Hearing held August 20, 2020**

**10-144 C.M.R. Ch. 607 – ASPIRE – TANF Program Manual  
ASPIRE Rule #25P – Working Cars for Working Families**

**Karen Verrell:** You are now live on the broadcast. Please state and spell your name, and if applicable the organization that you represent. You may, also, remain anonymous. Once you have completed your comments, you may simply hang up.

**Dale McCormick:** Hi, this is Dale McCormick again. Uh, McCormick M C C O R M I C K. Uh, commenting about my experiences when I directed Women Unlimited, a job training program to train women and ... on welfare, uh, to compete for good paying trade and technical jobs.

Uh, I thank you for taking my additional comment. I get all nerved up and I forgot that I wanted to express concern or alert you. I ... I read the rule and the ... the, um ... the premiums, or the up-front costs that you are requiring of, uh, women on welfare, uh, could be, uh, barriers to participation. And I ... I understand why you want people to show that they're serious and have some skin in the game, and also, that they have the ability to handle the car and pay for it and ... but I just want you to watch that and ... and, um ... and make sure that you're not setting the hurdle too high.

And, that was my only comment.

Thank you for listening again. Bye.

**Anthony Pelotte:** Thank you. We are, now, ready for our next comment.

Commented [DME11]: Time stamp 35:55

**Karen Verrell:** Tony, There are no other commenters in the queue at this time.

**Anthony Pelotte:** OK. We will just, wait for our next call then. Thank you.

(21 minutes of silence)

Hi everybody, I know that there's, uh, approximately 30 folks still logged on. I just wanted to remind everybody that all of the comments from today's hearing will be transcribed. Um, It's also, um, an opportunity for people to call in and provide their comments if they'd like to. If you tried to call in, and you got dropped, somehow, um, please give it another try. Um, Ms. Verrell is awaiting any calls that may come in. And, then, uh, any comments made on today's hearing, or any comments, uh ... additional written comments that are submitted between now and the comment deadline on Thursday, August 20, those will all be analyzed and then we will respond in writing and make any changes as appropriate. So, there will be plenty of opportunity to either submit your comments in writing through the appropriate channels in writing, or you can call in

**Transcript of Public Hearing held August 20, 2020**

**10-144 C.M.R. Ch. 607 – ASPIRE – TANF Program Manual  
ASPIRE Rule #25P – Working Cars for Working Families**

now, and provide your oral comments on policy rule number 25, Working Cars for Working Families.

**Fourth Commenter: Rep. Pattv Hymanson, House Co-Chair, Health and Human Services  
Committee of the Maine Legislature**

Commented [DME12]: Time Stamp 1:02:49

**Karen Verrell:** Thank you Tony. I do have a commenter on the line.

You are now live on the broadcast. Please state and spell your name, and if applicable the organization that you represent. You may, also, remain anonymous. Once you have completed your comments, you may simply hang up.

**Rep. Hymanson:** Hi, this is, um, Representative Patty Hymanson. Um, P A T T Y last name H Y M A N S O N. I'm, um, a House co-chair of the Health and Human Services Committee of the Maine State Legislature.

I, um ... I wanted to just provide some ... some legislative review. The intent of ... of this program, um ... I've been on the Health and Human Services Committee now for 6 years. And, in that 6 years, one of the most common problems we talk about, um, is that the, um, lack of transportation for people who are working in, um, fields that are incredibly important for the wellbeing of our ... of Mainers but, um, they're low paid, and people don't have access to transportation because, Maine is a large state with much rural ... and ... and is very rural. Um, so, there isn't the public transportation, generally, available. So, I'm talking about people who are direct care workers, who go from place to place and home to home taking care of people with developmental disabilities, intellectual disabilities, the elderly, Um, people who, um, have, um, physical disabilities, and, um, often times go a long distance from place to place to deliver care. Although, these same workers need child care and need a way to get their children to child care, um, they need to show up, on time, for jobs, and they need to be there dependably, and, often times, a car that doesn't work, or lack of transportation, um, doesn't help them. Um, there are a lot of carpooling situations where, uh, people carpool, and the car breaks down and then none of the workers can show up. Um, So, it is a very big problem in our state. So, this, um, program, is a way to ensure that at least some people have transportation. So, that's ... that's the problem we're trying to solve.

Um, accountability is something that the rules, um, should take into account. Um, but, the rules should not be obstructive to the intent of the ... the law. So, I urge that balance between accountability and, um, not obstruction. Um, there is oversight written into the rules which is important, um, and, oversight by the committee of jurisdiction, which, currently, is Health and Human Services. Um, which should by yearly to review the important metrics that are collected and decide if the program has been a success as judged by the committee through input from data and from the stakeholders.

**Transcript of Public Hearing held August 20, 2020**

**10-144 C.M.R. Ch. 607 – ASPIRE – TANF Program Manual  
ASPIRE Rule #25P – Working Cars for Working Families**

Um, So, I wanted to, in closing, um, make sure that people understood— the problem, um, and the intent of this program; that there is oversight; and that the rules are not obstructive to the intent of the program.

Thank you.

**Anthony Pelotte:** Thank you. OK. We're ready for our next commenter.

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**Karen Verrell:** Tony, There are no other commenters in the queue at this time.

**Anthony Pelotte:** OK. Thank you. So, We will, uh, await any other folks that may want to call in. Um, Until such time, there will just, uh, be some silence. Thank you.

Commented [DME14]: Time stamp 35:55

(1 hour 22 minutes of silence)

So, We're coming up on the last 30 minutes of today's, uh, public hearing on, uh, ASPIRE rule number 25, Working Cars for Working Families. This is anybody's opportunity to weigh in with any oral comments on the policy. Um, there's all kinds of information out on today's, um, Teams meeting site for you to post written comments about the rules in addition to providing any oral comments through the instruction on how to call in and get into the call queue. So, if anybody wants to do that, we have, another 30 minutes remaining on today's public hearing. Um, once this closes, at 4:00, all of the written submissions from today, as well as, any submitted through to the end of August, uh, ... pick the right date ... uh, August 20, 2020 at 5:00PM all of those comments will be compiled and the answers provided publicly for those. Um, but, we have a half hour left for any oral comments from folks that are on today's session. Thank you.

(28 minutes of silence)

Alright. It is now, uh, 4:00 PM. I want to thank everyone for their comments today. We have no more commenters at this time, so, if anyone else would like to comment today, uh, you'd have to do it in writing. Uh, there is definitely a lot of information out there on this particular Teams forum for you to, uh, submit your written comments. Um, we are now going to, officially, end the formal hearing. Thank you for your participation today. The agency will take your comments seriously. This hearing is now adjourned.



# in SOC	First Name	Last Name	Organization	Petition Pg.	Petition Row	Written Comment #
1	Julie	Crider		1	1	0
2	Jennifer	Chase		1	2	0
3	Wendy	Warnock		1	3	0
4	Mark	Chasse		1	4	0
5	Tim	Mason		1	5	0
6	Stephanie	Mason		1	6	0
7	Paulline	Jensen		1	7	0
8	Pike	Lanctot		1	8	0
9	Jacob	Rush		1	9	0
10	Lois	Thew		1	10	0
11	Christopher	Brown		1	11	0
12	John	Rzasa		1	12	0
13	Wayne	Almy		1	15	0
14	Anthony	Lawler		1	16	0
15	Donna	Mitchell		1	17	0
16	Rebecca	Conley		1	18	0
17	A. David	Mann		1	19	0
18	Thaddeus	Clark		1	20	0
19	Marilyn	St. Jean		1	21	0
20	Tammy	Genest		1	22	0
21	Wendy Lee	MacDowell		1	23	0
22	Sharon	Kimball		1	24	0
23	Janine	MacDonald		1	25	0
24	Richard	Dailey		1	26	0
25	Judith	Sawyer		1	27	0
26	Jean	Lee		1	28	0
27	Amber	Hoy		2	1	0
28	Mark	Weston		2	2	0
29	Anthony	Leonard		2	3	0
30	Richard	Cummings		2	4	0
31	Melissa	Guilbeault		2	5	0
32	Kelly	Schwalbert		2	6	0
33	Sarah	Flewelling		2	7	0
34	Steven	Kiesman		2	8	0
35	Nicolas	Hamlim		2	9	0
36	Madison	Hayden		2	11	0
37	Rodney	Barrett		2	12	0
38	Jamison	Webster		2	13	0
39	Judith	Fossel		2	14	0
40	Kimberly	Magowan		2	15	0
41	Georgeann	Quinlan		2	16	0
42	Stan	Hill		2	17	0
43	Richard	Bolduc		2	18	0
44	Cheryl	Bolduc		2	19	0
45	Tod	Torrence		2	20	0
46	Rondin	Hines		2	21	0

47 Ashton	Cotton	2	22	0
48 Heather	Worster	2	23	0
49 Mary Ellen	Bannon	2	24	0
50 Jean	StClair	2	25	0
51 Alanna	Wacome	2	26	0
52 Nancy	Whitney	2	27	0
53 Elmer	Wirta	2	28	0
54 Jack	Maxim	2	29	0
55 Jana	Wacome	2	30	0
56 Shannon	Cantara	2	31	0
57 Donald	Maccallum	2	33	0
58 David	Baker	2	34	0
59 Elizabeth	Baker	2	35	0
60 Brian	Carlton	2	36	0
61 Janine	McGrath	2	37	0
62 Catherine	Fonda	2	38	0
63 Valerie	Burns	2	39	0
64 Jennifer	Blanche	2	40	0
65 Michele	Marean	2	41	0
66 Christy	Liotte	2	42	0
67 Wayne	Tripp	2	43	0
68 Joy	Emery	2	44	0
69 Michelle	Sterling	2	45	0
70 David	Rivard	2	46	0
71 Lorraine	Boucher	2	47	0
72 Michael	Lauziere	3	1	0
73 Michelle	Labbe	3	2	0
74 Yazbek	John	3	3	0
75 Eleanor	Brown	3	4	0
76 Sandra	Overlock	3	5	0
77 Toni Lynn	Richardson	3	6	0
78 Cindy	Fletcher	3	7	0
79 Daniel	Rosen	3	8	0
80 Roy	Wallace	3	9	0
81 Gregory	Cummings	3	11	0
82 Michael	Fortin	3	13	0
83 Claudia	Fish	3	14	0
84 Priscilla	Walker	3	15	0
85 Jacqueline	Hall	3	16	0
86 Jeannette	Dennison	3	17	0
87 Kelly	Barclay	3	18	0
88 Dorothea	Howard	3	20	0
89 Christine	Severy	3	21	0
90 Judith	Lancaster	3	22	0
91 James	Zimmerman	3	23	0
92 Aaron	Martel	3	24	0
93 Matthew	Leggett	3	25	0

94 Colleen	DeWitt	3	26	0
95 Holly	Smith	3	27	0
96 Ken	Anderson	3	28	0
97 Carolyn	Griffith	3	29	0
98 William	O'Connor	3	31	0
99 Diane	Huggard	3	32	0
100 Neil	Harris	3	33	0
101 John	Clark	3	34	0
102 Jeanette	Ouellette	3	35	0
103 Cindy	Caldwell	3	36	0
104 William	Brenner	3	37	0
105 Debrs	Butler	3	38	0
106 Kevin	Donahue	3	39	0
107 Joshua	Towne	3	40	0
108 Gordon	Gamage	3	41	0
109 Leigh	Hawes	3	42	0
110 Ronda	Dalton	3	43	0
111 Lisa	York	3	44	0
112 Jacob	Hall	3	45	0
113 Michael	Lawson	3	46	0
114 Steve	Hodnett	3	47	0
115 Vickey	Jones	4	1	0
116 Elaine	Hodnett	4	2	0
117 Kellie	Teel	4	3	0
118 Stone	McGovern	4	6	0
119 Jill	McGovern	4	7	0
120 Leanne	Hallett	4	8	0
121 Ralph	Gaglione	4	9	0
122 James	McCarty	4	10	0
123 Katrina	Smith	4	11	0
124 Melissa	DeLuca	4	13	0
125 Sharon	Romano	4	14	0
126 Nicole	Desjardins	4	16	0
127 Patricia	Learned	4	17	0
128 Dana	Callan	4	18	0
129 Deborah	Milite	4	19	0
130 Nancy	Hamilton	4	20	0
131 Wayne	Erkkinen	4	21	0
132 Lawrence	Merrill	4	22	0
133 Kathryn	DeWitt	4	23	0
134 Lianna	Forge	4	24	0
135 Renee	Trust	4	25	0
136 Jeremy	Perry	4	27	0
137 Edwin	Montalvo	4	28	0
138 Larry	Shuck	4	29	0
139 John	Ehman	4	31	0
140 Eric	Hanson	4	32	0

141	Destiny	Spinney	4	33	0
142	Leah	Kane	4	34	0
143	Adelle	Carter	4	35	0
144	Barbara	Hitchcock	4	36	0
145	Jen	Chapman	4	37	0
146	James	Brown III	4	38	0
147	Coreene	Baumann	4	40	0
148	Angels	Hardy	4	41	0
149	Donna	Kirk	4	42	0
150	William	Degraff	4	43	0
151	Ann	Barnett	4	46	0
152	William	Kolreg	4	47	0
153	Dany	Lemay	5	1	0
154	Michael	Jones	5	2	0
155	Mark	Hunkler	5	3	0
156	Philip	Mills	5	4	0
157	Lynn	Nagy	5	5	0
158	Bryan	Champagne	5	6	0
159	Stuart	Peeke	5	7	0
160	Chris	Emmons	5	8	0
161	Claire	Buck	5	9	0
162	Firebird	Gunner	5	10	0
163	Dorothy	Thornton	5	11	0
164	Jane	Gibbs	5	12	0
165	Paul	Nichter	5	13	0
166	Janet	Morrill	5	14	0
167	Christopher	Willey	5	15	0
168	Phyllis	Leck	5	16	0
169	Heidi	Dockendorff	5	17	0
170	Stephanie	Jones	5	19	0
171	Katharine	Martin-Savage	5	20	0
172	Betty	Libby	5	21	0
173	Judith	Kypragora	5	23	0
174	Rachel	Taylor	5	24	0
175	Stephanie	Hawke	5	25	0
176	Linda	Mailhot	5	26	0
177	Gary	LeRoy	5	27	0
178	Susan	Pate	5	28	0
179	Lauriejean	Gombar	5	30	0
180	Margaret	Tekverk	5	31	0
181	Nathan	van den Berg	5	32	0
182	Louis	Philippe	5	33	0
183	Chad	Hebert	5	34	0
184	Larry	Bailey	5	35	0
185	James	Read	5	36	0
186	Deborah	Vannah	5	37	0
187	Jillian	Philbrick	5	38	0

188 Randy	McPherson	5	39	0
189 Christopher	Day	5	40	0
190 Nikki	Barron	5	41	0
191 Sharri	Olsen	5	42	0
192 Jeremy	Fuller	5	43	0
193 Janice	Bellaire	5	44	0
194 Kenneth	Capron	5	45	0
195 Scott	Saunders	5	46	0
196 Kelly	Hutchinson	5	47	0
197 Allan	hartwell	6	1	0
198 John	Dyer	6	2	0
199 Phil	Pulsifer	6	3	0
200 Alan	Livingston	6	4	0
201 Becky	Isabelle	6	5	0
202 Ce	Smith	6	6	0
203 Gary	Linson	6	7	0
204 Sandra-Anne	Cronin	6	8	0
205 Paul	Perreault	6	9	0
206 Holly	Grindal	6	10	0
207 Norman	Baillargeon	6	11	0
208 Linda	Reardon	6	12	0
209 Auring	Monette	6	13	0
210 Robert	Monette	6	14	0
211 Megan	Thibodeau	6	15	0
212 Virginia	Parker	6	16	0
213 Amanda	Bragh	6	17	0
214 Bruce	Marshall	6	18	0
215 Peter	McPhail	6	19	0
216 Wayne	Adams	6	20	0
217 Dani	Bellanget	6	21	0
218 Alisha	Louis	6	22	0
219 Denise	Turmel	6	23	0
220 Carol	Levesque	6	24	0
221 Bill	McGovern	6	25	0
222 Ann Marie	Miliard	6	26	0
223 Linda	Paul	6	28	0
224 Kaleb	Cyr	6	29	0
225 Wendy	Fardon	6	30	0
226 Kathy	Dellarma	6	31	0
227 Elizabeth	Jordan	6	32	0
228 Robert	Foster	6	33	0
229 Immacolata	Livecchi	6	34	0
230 Tanya	Folsom	6	35	0
231 Lawrence	Swanson	6	36	0
232 Thaylene	Bernard	6	37	0
233 Ethan	Laplante	6	38	0
234 Melissa	Watson	6	39	0

235 Nicole	Blake	6	41	0
236 Ethelanne	Lavin	6	42	0
237 Pearl	Benner	6	43	0
238 Mark	Coulombe	6	44	0
239 Mia	Cameron	6	45	0
240 David	Larrivee	6	46	0
241 Cynthia	Ladderbush	6	47	0
242 Nick	Leone	7	1	0
243 Kristi	Violette	7	2	0
244 Lori	Denenny	7	3	0
245 Rhonda	Ackerson	7	4	0
246 Brandon	Williams	7	5	0
247 Gail	Burns	7	6	0
248 Gregory	Clark	7	7	0
249 Clint	Chicoine	7	8	0
250 Erica	Genthner	7	9	0
251 Tessa	Burpee	7	10	0
252 Thomas	Trytek	7	11	0
253 Errolyn	Miller	7	12	0
254 Bridgett	Keith	7	13	0
255 Deborah	Verrill McFarland	7	14	0
256 Marty	Coooper	7	15	0
257 Peggy	Aubry	7	16	0
258 Sheila	Nurse	7	17	0
259 Kim	Larsen	7	18	0
260 Stephanie	Pare	7	19	0
261 Rebecca	Neal	7	20	0
262 Deborah	Ludwig	7	21	0
263 Julee	Bires	7	22	0
264 Heather	Christie	7	23	0
265 Joslin	Ford	7	24	0
266 Kimberly	Sylvester	7	25	0
267 Jennifer	Walker	7	26	0
268 L	Daley	7	27	0
269 Bruce	Stillings	7	28	0
740 Craig	Caffrey	7	29	0
271 Barbara	Fenlason	7	30	0
272 Lorene	Sabina	7	31	0
273 Jeffrey	Paine	7	32	0
274 Scott	Seekins	7	36	0
275 Joseph	Hohn	7	37	0
276 Nathaniel	Thomas	7	38	0
277 Dustin	Daigle	7	39	0
278 Dennis	Caron	7	40	0
279 Annique	Milite	7	41	0
280 Wendell	Douglas	7	42	0
281 Jeff	Goodall	7	43	0

282 Amy	Millett	7	44	0
283 Tim	Doherty	7	45	0
284 Robert	Grant	7	46	0
285 Jessica	Gardner	7	47	0
286 Robert	Terwilliger	8	1	0
287 Andrea	Cesario	8	2	0
288 Jared	Reitze	8	3	0
289 Edward	Schupbach	8	4	0
290 Steven	Grenier	8	6	0
291 Nathan	Hatch	8	8	0
292 Katherine	Stover	8	9	0
293 John	Luongo	8	10	0
294 Shannon	Curtis	8	11	0
295 Matthew	DeRosby	8	12	0
296 Erin	Raychard	8	13	0
297 Nathan	Wentworth	8	14	0
298 Heidi	Luce	8	15	0
299 Alton	Sutherland	8	16	0
300 Donna	Hodges	8	18	0
301 Tom	Danis	8	19	0
302 Stacy	Herrick	8	20	0
303 James	McBride	8	21	0
304 Pamela	Miner	8	22	0
305 Wyatt	Trundy	8	23	0
306 Arlene	Lenzo	8	24	0
307 Della	Roncon	8	25	0
308 Joy	Light	8	26	0
309 Raymond	West	8	27	0
310 Adam	White	8	28	0
311 Betty-Jo	Warming	8	29	0
312 J Robert	Gallant	8	30	0
313 Kelly	Toothaker	8	31	0
314 Tammy	Smith	8	32	0
315 Lauren	Jellison	8	33	0
316 Amanda	Kesseli	8	34	0
317 John	Burns	8	35	0
318 Dudley	Gray	8	36	0
319 Timothy	Carven	8	37	0
320 Brad	Stables	8	38	0
321 Theresa	Picard	8	39	0
322 Lee	Rand	8	40	0
323 Lynn	Lewis	8	41	0
321 Pam	Wing	8	42	0
325 Breyt	Melville	8	43	0
326 Sandra	Libby Cyr	8	44	0
327 Robert	Sousa	8	45	0
328 Mark	McKissick	8	46	0

329 Tim	Cogswell	8	47	0
330 Jeri-Lee	Cookson	9	1	0
331 Lorrrie	Verrill	9	2	0
332 Doug	Roberts	9	3	0
333 Jerimiah	Williams	9	4	0
334 Jill	Cogswell	9	5	0
335 Richard	Leclair	9	6	0
336 Carol	Lovejoy	9	7	0
337 Chelsea	Lock	9	9	0
338 Nancy	Raymond	9	10	0
339 Mark	Vaillancourt	9	11	0
340 Pamela	Vaillancourt	9	12	0
341 Robinett	Pare	9	13	0
342 Matt	Matherne	9	14	0
343 Kasondra	Babb	9	17	0
344 Lynn	Warman	9	18	0
345 Denise	Morrison	9	19	0
346 Loretta	Dyer	9	20	0
347 Kenneth	Lizotte	9	21	0
348 Elaine	Davidson	9	22	0
349 Katherine	Bachelor	9	27	0
350 Cheryl	Baggett	9	28	0
351 Donna	Madison	9	29	0
352 James	Waite	9	30	0
353 Sandra	Smalley	9	31	0
354 Paula	Sutton	9	32	0
355 Kevin	Campbell	9	33	0
356 Brent	Littlefield	9	34	0
357 Bruce	Clark	9	35	0
358 Robert	Prybylo	9	36	0
359 Jerene	Reney	9	38	0
360 Paula	Hutton	9	41	0
361 Jonica	Pearson	9	42	0
362 Anthony	Arseneault	9	43	0
363 William	Timothy	9	44	0
364 Bruce	Thibodeau	9	45	0
365 Tamara	Holvey	9	46	0
366 Deborah	Delp	9	47	0
367 Reidun	Jones-Elliot	10	1	0
368 Alan	Shaver	10	2	0
369 Tim	Russell	10	3	0
370 Keith	Stillwagon	10	5	0
371 Danny	Bragg	10	7	0
372 Sharon	Thomas	10	8	0
373 Barbara	Bragg	10	9	0
347 Margaret	Varney	10	10	0
345 Barbara	Patterson	10	11	0



376 Tony	Belliveau	10	12	0
377 Debbie	Bartlett	10	13	0
378 Teri	Stred	10	14	0
379 Ronald	Perreault	10	15	0
380 Jeanie	Billings	10	16	0
381 William	Leonard	10	17	0
382 Ronald	Andersen	10	18	0
383 Darien	Sawyer	10	19	0
384 Stephen	Pond	10	20	0
385 Ernest	Desmarais	10	21	0
386 Cynthia	Berry	10	22	0
387 Douglas	Cahill	10	23	0
388 Charles	Spizuoco	10	25	0
389 Scott	Gosselin	10	26	0
390 Chuck	Cayford	10	27	0
391 Robert	Rubenstein	10	28	0
392 Charles	Thomas	10	29	0
393 Mark	Picurro	10	30	0
394 Elizabeth	Eddy	10	31	0
395 Carol	Sullivan	10	32	0
396 Michele	Jones	10	33	0
397 Al	Castagna	10	34	0
398 James	Deyermond	10	35	0
399 Bruce	Albiston	10	36	0
400 Heather	Sirocki	10	37	0
401 Geraldine	Wallace	10	38	0
402 Christine	Donovan-Hall	10	39	0
403 Nancy	Tozier	10	41	0
404 Denise	Buzzelli	10	42	0
405 Sara	Wing	10	43	0
406 Joel	West	10	44	0
407 Michael	Wells	10	45	0
408 Francis	Dillon	10	46	0
409 Jeanne	Drechsel	10	47	0
410 Susan	Ayer	11	1	0
411 Deborah	Riley	11	2	0
412 Cindy	Johnson	11	4	0
413 Heidi	Warren	11	5	0
414 Claire	Bouchard	11	6	0
415 Corey	Lawler	11	7	0
416 Mary	Hughes	11	8	0
417 Thomas	Yale	11	9	0
418 Andre	Cushing	11	10	0
419 Andrew	Fraser	11	11	0
420 Joseph	Correia	11	12	0
421 Michael	Estes	11	13	0
422 David	Sands	11	14	0

423	Jacqueline	Pellerin		11	15	0
424	Matt	Digioia		11	16	0
425	John	Bridges		11	17	0
426	Peter	DuPont		11	18	0
427	Steven	Card		11	19	0
428	Vanessa	Welch		11	20	0
429	Patricia	DuPont		11	21	0
430	Angelo	Ciocca		11	22	0
431	Adrienne	Fontaine		11	23	0
432	Gardiner	Schneider		11	24	0
433	Michael	Carbonneau		11	25	0
434	Richard	Dawes		11	26	0
435	Joy	Emmons		11	27	0
436	Mark	McAllister		11	28	0
437	Mark	Emery		11	29	0
438	Janelle	Wheldon		11	30	0
439	Rebecca	Emery		11	31	0
440	Samuel	Hotham		11	32	0
441	Melissa	Souda	1 3	13 10		0
442	Linda	Neal	10 10	4 6		0
443	Bill	Cripe	2 4	32 4		0
444	Laurel	Harris	3 4	30 5		0
445	Shirley	Mclaren	3 6	19 40		0
446	Lowell	Smith	4 4	12 26		0
447	Michelle	Hale	4 4	30 39		0
448	Frank	Thiboutot	4 4	44 45		0
449	Sonya	Eldridge	4 5	15 22		0
450	Craig	Lehigh	7 7	34 35		0
451	Dorothy	Wentzell	8 8	5 7		0
452	Dan	Francey	8 9	17 37		0
453	Pamela	Ingraham	9 10	40 24		0
454	Ada	Mathews	9 9	15 16		0
455	Jay	Mitchell	9 9	23 24		0
456	Tammy	Pinkham	9 9	25 26		0
457	Sheri	LeRoy	GSL Alarms	5	29	1
458	Nicole	*		0		2
459	Lovia	Koscinski		0		3
460	Crystal	Pease		0		4
461	John	Ryder		0		5
462	Regina	Cote		0		6
463	Marisa	Bethea		0		7
464	James	Cruwys		0		8
465	Colleen	Verreault		0		9
466	Randy	Corey		0		10
467	Anonymous		1	0		11
468	Wayne	Durgin		0		12
469	Pat	Bowman		9	8	13

470 Edward	Perry		0	14	
471 Nick	*		0	15	
472 Anonymous		2	0	16	
473 Thomas	McLaughlin		0	17	
474 Kim	Young		0	18	
475 Ann	Page		0	19	
479 Sue	Bouchard	Concerned US N	0	20	
477 Stephen	Dahlbergh		0	21	
478 Michelle	Mason Webber	Maine citizen	0	22	
479 James	Mason Shives		0	23	
480 Greg	*		0	24	
481 Kaitlin	Lagueux	Northeast Resid	0	25	
482 Kyle	Campbell		0	26	
483 Ryan	Wing		0	27	
484 Rebekah	Jardine-Belanger	Hands on Reiki	0	28	
485 Lee	Wang		0	29	
486 Michelle	Tibbetts		0	30	
487 Michele	Smith		0	31	
488 Judy	Cyr		0	32	
489 Donna	Hoitt		0	33	
490 Reginald	Stratton		0	0	34
491 Judith	Crosby		0	35	
192 Cindy	Rothweiler		0	36	
493 Kim M	Mercier		0	37	
494 Rachel	Clark		0	38	
495 Sarah M	Mulcahy		0	39	
496 Jon	Whited		0	40	
498 R J Brent	Levesque		10	40	42
499 Brian	Blake		0	43	
500 Amanda	Henson		0	44	
501 Capt. Shawn	Tibbetts		0	45	
502 Donna S	Talbot		1	14	46
503 Sen Stacey	Guerin	Maine State Ser	0	47	
504 Mary	Hyland		0	48	
505 Hilary	Ellingwood		0	49	
506 Catherine	DeRocchi		0	50	
507 Neil	Byrd		0	51	
508 Sen Marianne	Moore	Maine State Ser	0	52	
509 Bridget	Messer		0	53	
511 Josh	Hayward	Hayward Ventu	0	55	
512 Jennifer	Lachance		0	56	
513 Kenneth	Hinkley		5	18	57
514 Cynthia	Bonang		0	58	
515 Anonymous		3	0	59	
516 Melissa A	Bryant		0	60	
517 Christine	Sprague		0	61	
518 Mrs.	Thomas		0	62	

519 Renée	McKenna		0		63
520 Laurianne	Brewer		0		64
521 Jeremy	Porter		0		65
522 Anonymous		4	0		66
523 Dana	Smith		0		67
524 Kellie	Lapierre		6	27	68
525 Anonymous		5	0		69
526 Shane	*	Citizen of the St	0		70
527 Rachel	*		0		71
528 Robyn	McCoach		7	33	72
529 Jane	Bishop		0		73
530 Melissa	Albert		0		74
531 Joshua D	Bickford		0		75
532 Anonymous		6	0		76
533 James D	Libby		0		77
534 Tracey	Benson		0		78
535 Cynthia	Swift		0		79
536 Anonymous		7	0		80
537 Beth	Pickens		0		81
538 Wayne	Paul		9	39	82
539 Andrew	Scott		0		83
540 Kelly	Lehoux		0		84
541 Brian	Stephen		0		85
542 Jonathan	Martell		0		86
543 Jessica P	Meek		0		87
544 Rebecca	Cummings		3	12	88
545 Mark	Duquette		0		89
546 Wendy	Hansen		2	10	90
547 Christine	Heath		0		91
548 Anonymous		8	0		92
549 Elizabeth D	Jones		0		93
550 Gale	Hill		0		94
551 John	Keizer		0		95
552 John	Tilton		0		96
553 Denise	Garnett		0		97
554 Anonymous		9	0		98
555 Steven	Hartley		0		99
556 Anonymous		10	0		100
557 Anonymous		11	0		101
558 Nathan	Leach		11	3	102
559 Nancy	Clark		0		103
560 Anonymous		12	0		104
561 Anonymous		13	0		105
562 Tina	Courtway		0		106
563 Janeen	Feero	Penquis	0		107
564 Shelley	McGowan		0		108
565 Robert	Deschambeault		0		109

566 Kelly	Cummings		0		110
567 Tera	Day		0		111
568 Chelsea	Tripp		0		112
569 Anonymous		15	0		113
570 Robert	Kittredge		0		114
571 Kelly	Hansen		0		115
572 Wanda	Hale		0		116
573 Anonymous		16	0		117
574 Suzanne	Craig		0		118
575 Jodie	Logan		0		119
576 Meredith	Toumayan		0		120
577 Anonymous		17	0		121
578 Anonymous		18	0		122
579 Ashley	Griffin		0		123
580 Missy	Jordan		0		124
581 Hope	Ricker		0		125
582 Sharon	Nichols		0		126
583 Melinda	Bowden		0		127
584 Elizabeth	Soisson		0		128
585 Christopher	Porter		0		129
586 Sean	Trahan		0		130
587 Anonymous		14	0	0	0
510 Deborah	Ibonwa	Maine Equal Jus	0		54
497 Julie	Rabinowitz	Maine People B	11	33	41
588 Rep. Patty	Hymannson	HHS Committee	0	0	0
589 Dale	McCormick	Women Unlimit	0	0	0































## Petition for a Public Hearing on ASPIRE Rule #25P, Working Cars for Working Families

Submitted by Maine People Before Politics

July 5, 2020

We, the undersigned, as interested persons formally request the Maine Department of Health and Human Services hold a public hearing on the proposed ASPIRE Rule #25P - Working Cars for Working Families Program. We have included email addresses to allow notification of the hearing via email.

This request is made under the authority of The MAINE ADMINISTRATIVE PROCEDURE ACT, §8052 on Rulemaking, "1. Notice; public hearing. Prior to the adoption of any rule, the agency shall give notice as provided in section 8053 and may hold a public hearing, except that a public hearing must be held if otherwise required by statute or requested by any 5 interested persons or if the rule is a major substantive rule as defined in section 8071, subsection 2, paragraph B."

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**10-144**

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**OFFICE FOR FAMILY INDEPENDENCE**

**CHAPTER 607**

**ASPIRE-TANF PROGRAM RULES**

**Effective November 6, 2001**

**Last Amended: ~~December 2017~~ XXXXX, 2020**

## Table of Contents

Section Number	Title	Pages
<b>Section 1</b>	Definitions	1-1 thru 1-6
<b>Section 2</b>	Authorization; Philosophy; Goals and Objectives; Administration	2-1 thru 2-6
<b>Section 3</b>	Participation; Participant Performance Requirements Participant Satisfactory Progress; Program Performance Requirements; Scheduling Appointments	3-1 thru 3-8
<b>Section 4</b>	Confidentiality, Participants' Rights and Responsibilities, Good Cause; Fair Hearings, Sanctions, Intentional Program; Violations, Overpayment Procedures	4-1 thru 4-10
<b>Section 5</b>	Work Evaluation	5-1 thru 5-5
<b>Section 6</b>	Case Management	6-1 thru 6-2
<b>Section 7</b>	Family Contract Amendment (FCA)	7-1 thru 7-2
<b>Section 8</b>	Pre-Training	8-1 thru 8-2
<b>Section 9</b>	Field Training	9-1 thru 9-3
<b>Section 10</b>	Education and Training	10-1 thru 10-3
<b>Section 11</b>	Work Activity Services	11-1 thru 11-3
<b>Section 12</b>	Job Search Activities	12-1 thru 12-3
<b>Section 13</b>	Employment	13-1 thru 13-8
<b>Section 14</b>	Support Services and Payment Provisions for Services	14-1 thru 14-9
<b>Section 15</b>	Reduction of ASPIRE-TANF Services when Funding is Inadequate	15-1 thru 15-2
<b>Section 16</b>	Parents as Scholars Program	16-1 thru 16-5
<b>Section 17</b>	TANF Time Limit Extensions	17-1 thru 17-9
<b>Section 18</b>	<u>Working Cars for Working Families</u>	<u>18-1 thru 18-13</u>

---

**INDEX**

<b>Subject</b>	<b>Section</b>	<b>Subsection</b>	<b>Pages</b>
<b>A.</b>			
Adult entertainment	4	IX	4-10
apprenticeship	13	II.B.	13-1
ASPIRE-Plus	13	II.A.	13-1,2,3,4
assessment	5		5-1 thru 5
auto liability insurance	14	II.D.	14-5
auto repairs	14	II.C.	14-4
<u>auto purchase program</u>	<u>18</u>		<u>18-1 thru 18-13</u>
<b>B.</b>			
books and supplies	14	II.H.	14-5
<b>C.</b>			
case management	6		6-1,2
child care	14	II.A.	14-1 thru 3
clothing and uniforms	14	II.I.	14-6
confidentiality	4	I.	4-1, 2, 3
<b>D.</b>			
definitions	1		1-1 thru 6
dental care	14	II.F.	14-5
displaced employee grievances	13	IV.	13-6 thru 8
<b>E.</b>			
education and training	10		10-1 thru 3
education, procedures	10	III.A.-J.	10-2, 3
education, training expenses	14	II.G.	14-5
education, types of	10	II.A.-D.	10-1, 2
employment	13		13-1 thru 8
extensions	17	I-VI	17-1 thru 17-9
eye care	14	II.D.	14-5



|

	<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>
<b>F.</b>	fair hearings	4	V.	4-6, 7
	family planning	8	E.2.a.	8-2
	Family Contract	2	IV.C.2.a.	2-5
		7	I.B., C.	7-1, 2
		7	II.A.-E.	7-2
		8	I.B.,C.,D.	8-1
		12	I.	12-1
		14	I.A.,B.,D.,F.	14-1 thru 14-9
	15	II.	15-1, 2	
	fee-for-service agreements	14	II.L., M., N.	14-6, 7
field training	9		9-1, 2, 3	
Fraud investigation and Recovery Unit (FIRU)	1		1-3	
<b>G.</b>	Gambling facility	4	IX	4-10
	GED preparation and training	8	C.	8-2
	good cause	4	III.	4-4, 5
<b>H.</b>	high school diploma programs	8	B.	8-2
<b>I.</b>	Intentional Program Violation (IPV)	4	IX	4-10
<b>J.</b>	job readiness activities	8	E.	8-2
	job search	3		3-2, 4
		3		3-6, 7
<b>K.</b>		12		12-1, 2, 3
<b>L.</b>	life management skills	8	E.1.	8-2
	Liquor sales	4	IX	4-10

	<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>
<b>M.</b>	MaineServe	3	IV.A.3.	3-6
			IV.B.2.	3-6
		11	I.A.-O.	11-1,2
			II.A.-C.	11-3
	Matriculation	16		16-1
<b>N.</b>	non-traditional employment	13	II.D.	13-2
			III.D.	13-6
<b>O.</b>	occupational expenses	14	II.J.	14-6
	on-the-job training (OJT/ASPIRE-Plus)	13	II.A. III.	13-1 13-2, 3,4
	orientation	2		2-5, 6
		3		3-8
		5		5-1
		7		7-2
	Overpayment Procedures	4	VIII.	4-9, 10
<b>P.</b>	parenting education	8	E.2.C.	8-2
	Parents as Scholars	16		16-1 thru 5
	participant's performance requirements:			
	Single Parent Household	3	II.A.	3-1, 2
	Two Parent Household	3	II.B.	3-3, 4
	Teen Parents	3	II.B.	3-2
	participants' rights and responsibilities	4	II.	4-3, 4
	participants' satisfactory progress	3	III.A.,B.	3-4, 5
	participation	3	I.A.	3-1
	payment of support services	14	IV.	14-8, 9
	period of enrollment	2	IV.C.3.c.	2-6
		14	I.F.	14-1
		14	II.D.	14-4
		14	II.F.	14-5
14		II.J.,K.	14-7	



<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>
pre-training program:	8		8-1, 2
administration	2	IV.	2-3 thru 5
authorization	2	I.	2-2
goals and objectives	2	III.	2-3
performance requirements - single parent family	3	IV.	3-5, 6
performance requirements - two parent family	3	IV.	3-6, 7
<b>Q.</b>			
<b>R.</b> relocation costs	14	II.K.	14-6
remedial education	8	D.	8-2
responsibilities of:			
ASPIRE-TANF staff	2	IV.C.3.	2-5
OFI eligibility staff	2	IV.C.2.	2-4, 5
return of purchased goods	14	II.M.	14-7
<b>S.</b> sanctionable acts	4	VI.	4-8, 9
scheduling procedures	3	VI.	3-7, 3-8
self-employment	13		13-2
	13		13-4, 5
service delivery areas	15		15-1, 2
service reduction	15		15-1, 2
suitable employment	13	III.E.	13-5, 6
support services	14		14-1 thru 9

<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>
<b>T.</b> Transitional Employment for Maine Parents (TEMP)	11	I., III.	11-1, 2, 3
transportation	14	II.B.	14-3, 4
two parent family	3	II.C.	3-3, 4
<b>U.</b>			
<b>V.</b>			
<b>W.</b> work activities	1 3	IV.	1-5 3-5 thru 7
work activity services	11	11-1, 2, 3	
work evaluation	2 5 13	IV.C.3.b. I.A.	2-5 5-1 thru 5 13-1
work experience	3	IV.	3-5 thru 7
work readiness activities	8	II.E.2.	8-2
<b>Working Cars for Working Families</b>			<b>18-1 thru 18-13</b>

**X.****Y.****Z.**

~~(February 6, 2017) 1-1 Policy #23A~~

~~MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES~~

## SECTION 1: DEFINITIONS AND DESCRIPTIONS

**Summary:** This section describes organizational units, programs, acronyms and significant terms pertaining to the ASPIRE-TANF program.

### DEFINITIONS

Organizational units, programs, and their acronyms, and other significant terms pertaining to ASPIRE-TANF are defined below:

**Alternative Education** --- An educational program that embraces subject matter or teaching methodology that is not generally offered to students of the same age or grade level in traditional school settings.

**ASPIRE-Plus** --- ASPIRE-Plus is an On-the-Job training program that provides an employer subsidy for up to 26 weeks, depending on the length of training time needed, of up to 50% percent of the hourly wage paid by the employer.

**ASPIRE-TANF** --- "ASPIRE-TANF" stands for-- Additional Support for People in Retraining and Employment - Temporary Assistance for Needy Families. ASPIRE is the welfare employment and training program created by the Governor and the Maine Legislature in July 1988, to provide case management, education, training, support and employment services to help TANF recipients to find or create jobs in the local labor market.

**ASPIRE-TANF Unit** --- A unit within the Department of Health and Human Services, Office for Family Independence, or an agent or contractor thereof, which provides ASPIRE-TANF services to TANF participants. These services include but are not limited to Assessment, prevocational activities, support services, Good Cause determination, case management and employment services.

**Assessment** --- An individualized process designed to integrate the array of ASPIRE-TANF services with the educational and vocational needs, interests and abilities of each participant.

**Basic Literacy Level** --- The capability to read and write at a level equivalent to an 8-9<sup>th</sup> or 9<sup>th</sup> grade level as demonstrated either by an educational achievement test; maintaining a grade point average of at least 2.0 at a post-secondary institution; or having passed the reading portion of a high school equivalency test.

**Case Management** --- The process of identifying the needs of the participant and the participant's family, coordinating services appropriate to meet those needs, and monitoring the participant's progress through ASPIRE-TANF so the participant can gain the skills and support to obtain employment.

**Child care, affordable**<sup>\*,\*</sup> --- Affordable child care arrangements are those for which the participant incurs no cost or is reimbursed by another program such as ASPIRE or through a deduction for child care from income by the TANF program or by any combination of these methods.

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\* these definitions apply only to single parents with a child under age 6

(XXX , 2020)

1-2

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**Child care, appropriate\*:**~~---~~ Appropriate child care is affordable child care furnished by a child care provider, of the participant's choice, who has passed background checks as required by 22 M.R.S. §§ 8301-A and 8302-~~A0.A.~~

~~\* these definitions apply only to single parents with a child under age 6~~



(XXX , 2020)

1-3

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

~~(February 6, 2017)~~~~1-2~~~~Policy #23A~~

**Child care, reasonable distance<sup>\*,\*</sup>** ~~---~~ Reasonable distance means that the ASPIRE participant is required to commute no more than 15 additional miles between home and work activity in order to transport the child to the child care provider.

**Child care, unsuitability of informal care<sup>\*,\*</sup>**

~~---~~ Unsuitable child care is that provided by an individual who cannot pass a required background check or is unaffordable or would require the ASPIRE participant to travel an unreasonable distance.

**Component** ~~---~~ Education, training and employment activities approved by ASPIRE-TANF including: ~~---~~ pre-training; educational activities through post-secondary level; job skills training; job readiness activities; group and individual job search; on-the-job training; and community work experience.

**Department of Health and Human Services (Department or DHHS)** ~~---~~ The agency authorized by Federal statutes to administer the ASPIRE-TANF program and other programs within the Office for Family Independence.

**Education** ~~---~~ Activities including remedial-education, high school or equivalency, and post-secondary certificate programs designed to prepare the participant for employment.

**Exempt from the Time Limit** ~~---~~ ~~A TANF recipient who has a~~ ~~---~~ A month or months that do not count against ~~his or her~~ ~~---~~ a participant's 60-month time limit.

**Exempt from Work Participation** ~~---~~ A TANF recipient who is not required to participate in ASPIRE-TANF in accordance with Federal or State regulations.

**Extension** ~~---~~ A one to six-month time period during which TANF benefits may be received, based on hardship, approved by the Department. ~~This~~ An extension allows a household to receive benefits past its 60-month time limit, when the recipient is complying with program rules and meets all other TANF eligibility requirements.

**Fair Hearing (also known as an Administrative Hearing)** ~~---~~ A hearing conducted before a Department of Health and Human Services hearings officer in which a participant has an opportunity to dispute a decision made by the Department. ~~The~~ The hearings officer's decision is binding on all parties involved in the particular case.

**Family Contract** ~~---~~ A form signed by a representative of the Department and each TANF caretaker relative that states the responsibilities of the parties to the agreement, including but not limited to cooperation in child support enforcement and determination of paternity, and the requirements of program participation. The contract may also include referral to parenting activities and health care services where the need for such services has been established.

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\* these definitions apply only to single parents with a child under age 6

(XXX , 2020)

1-4

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**Family Contract Amendment --(FCA)--** The binding agreement ASPIRE participants enter into with the Department, ASPIRE Unit, pursuant to 22 M.R.S. ~~A-§~~ § 3788 (4-A). In these agreements, specific action steps are listed that both the Department and the participant agree to perform. ASPIRE support services to be provided are listed in the FCA.

~~\* these definitions apply only to single parents with a child under age 6~~

(XXX , 2020)

1-5

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

~~(February 6, 2017)~~~~1-3~~~~Policy #23A~~

**Federal Department of Health and Human Services, Administration for Children and Families, Office of Family Assistance (HHS/ACF/OFA) ---** The federal agency that administers and regulates the TANF Program and other programs of the Department of Health and Human Services, Office for Family Independence, and provides block grant funds for these programs.

**Field Training ---** A non-wage, time limited, training placement with a public, private non-profit or profit employer which enables the participant to explore a preliminary career decision, gain experience in the work world and/or improve specific job skills.

**Fraud, Investigation and Recovery Unit (FIRU) ---** the unit in the ~~department~~Department responsible for investigating allegations of misuse, fraud, and over-payments. The unit also is responsible for seeking repayment when appropriate or referring the matter to the Attorney General's office for prosecution.

**Food Supplement Employment and Training (FSET) -- The employment and training program administered under 7 C.F.R. § 273.3, 22 M.R.S. § 3104, and 10-144 C.M.R. chapter 609, that provides case management, education, training, supports and employment services to help Food Supplement recipients find and keep jobs.**

**Gainful Employment ---** Activities that a person can perform which are intended to provide an income and which are a source of consistent revenue for the worker, such as a steady job.

**Good Cause ---** Acceptable reasons, as determined by the Department of Health and Human Services, for a participant's failing or refusing to participate in ASPIRE-TANF or in a particular ASPIRE-TANF component.

**Higher Opportunity for Pathways to Employment (HOPE) -- The program administered under 22 M.R.S. § 3790-A, and 10-144 C.M.R. chapter 330, that provides support services such as child care and transportation and voluntary student navigation services to help low income students who are parents of minor children.**

**Intentional Program Violation --(IPV) ~~means that--~~ An IPV occurs when** an individual has purposely misused "cash benefits" or other benefits, and/or misrepresented actual circumstances in order to receive benefits, and the individual would not have been eligible had the proper information been available at the time of application, redetermination of eligibility, or within ten days of the change in circumstances. An IPV will result in a referral to the Fraud, Investigation and Recovery Unit (FIRU) for further review and recovery.

**Job Club ---** A structured and supervised job search group which assists participants in their efforts to obtain and retain employment.

**Job Development/Placement ---** Specific actions by ASPIRE-TANF or a service provider in identifying subsidized and unsubsidized jobs, marketing participants based on their career goals for those jobs and securing job interviews for participants.

(XXX , 2020)

1-6

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**Job Readiness** --- Pre-training activities focusing on life management skills, work maturity skills, work place expectations and work behavior and attitudes necessary to succeed in the labor market.

**Job Search** --- Counseling and pre-employment training on job-seeking skills either individually or in groups. The group "Job Club" is the preferred job search activity.

**Job Skills Training** --- Vocational training focusing on the required skills, knowledge and abilities of a specific occupation or business.

**MaineServe** --- A community service program designed to provide parents who are eligible for TANF opportunities to serve their communities and the State in a manner that assists them in developing and renewing their skills in ways that may lead to employment that is sufficient to sustain their families.

**Matriculation** --- For the Parents as Scholars Program, matriculation is defined as acceptance and enrollment into any two-year or four-year academic program in an institution of post-secondary education.

~~(February 6, 2017) 1 4 Policy #23A~~

**Net Loss of Cash income** --- Net loss of cash income results if the family's gross income, less necessary work-related expenses, is less than the TANF benefit and any other cash assistance the participant was receiving at the time the offer of employment is made.

**Non-Compliance** --- Failure of a mandatory ASPIRE recipient to sign or abide by the terms of the Family Contract Amendment without Good Cause, which will result in termination of benefits to the individual for the lesser of ninety (90) days or until the failure to comply ceases.

**Office for Family Independence (OFI)** --- The organizational unit with the Department of Health and Human Services which administers the ASPIRE-TANF program. OFI also administers the following services: TANF, Food Supplement Benefits (SNAP), General Assistance, MaineCare, HOPE, Support Enforcement and Recovery, and Emergency Assistance.

**On-the-Job Training (OJT)** --- A means by which a participant is hired and trained in a specific occupation by a private or public employer who receives a partial reimbursement of wages paid for providing skills and training necessary to perform the job (See ASPIRE-Plus).

**Order of Reference** --- A document in which the Department's Commissioner gives specific instructions to the Office of Administrative Hearings regarding the issues to be addressed at hearing and the handling of a hearing request. ~~This~~ These instructions may include, but ~~is~~ are not limited to, an instruction that the Hearing Office issue recommended findings and a recommended decision with the authority to make the final findings and decision reserved to the Commissioner.

**Parents as Scholars Program (PaS)** --- A student aid program based on need for up to ~~2000~~ 2,000 participants, to aid needy students who have dependent children and who are matriculating in post-secondary undergraduate 2-year and 4-year degree-granting education programs.

**Participant** --- A TANF recipient who is involved in ASPIRE-TANF activities.

(XXX , 2020)

1-7

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**Period of Enrollment ---** The time frame from the opening of activity with the ASPIRE-TANF program, until participation with ASPIRE-TANF is ended.

**Pre-Training ---** Activities designed to prepare the participant for occupational skills training, post-secondary education and employment. Such activities include secondary education programs, job readiness activities, employment counseling, field training, self-employment evaluation, and referral to services to improve life-management skills.

**Sanctions ---** Actions taken by the Department of Health and Human Services as a result of a participant's failing or refusing to participate in ASPIRE-TANF without Good Cause. These actions generally cause a reduction in TANF and Food Supplement benefits for a specified time period for participants who are not exempt, and a loss of services for a specified time for voluntary participants.

**Satisfactory Progress ---** The requirement that a participant meet standards of performance imposed by an educational or training institution and by ASPIRE-TANF while participating in an education or training activity.

**Support Services ---** Services such as child care, transportation, eye and dental care, which enable the participant to complete the Family Contract Amendment and take employment.

(XXX , 2020)

1-8

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

~~(February 6, 2017)~~ ~~1-5~~ ~~Policy #23A~~

**TANF Recipient** --- An individual whose family's financial needs are met in part with TANF payments in accordance with the Maine Public Assistance Manual.

**TANF Single Parent Family** --- A TANF family which receives benefits under the program authorized in the Federal Social Security Act, as amended by the *Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996*, and the *Deficit Reduction Act (DRA) of 2005*, whose children are deprived of parental support or care by reasons other than the underemployment of the parent who is the principal wage earner, or the incapacity of a parent.

**TANF Two Parent Family** --- A TANF family which receives benefits under the program authorized in the Federal Social Security Act, as amended by the *Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996*, and the *Deficit Reduction Act (DRA) of 2005*, whose children are deprived of parental support or care either by reason of the underemployment of the parent who is the principal wage earner, or by reason of incapacity of a parent.

**Time Limit** --- The limit of 60 months during which a family may receive TANF assistance in the absence of the family qualifying for a time limit exemption or extension.

**Training and Work Site Agreement** --- An agreement which is included as part of the Family Contract Amendment and which stipulates specific performance requirements for a participant enrolled in education, training and/or work experience.

**Transitional Employment for Maine Parents (TEMP)** --- a volunteer work experience position.

**UP** --- Unemployed Parent refers to the cases where TANF eligibility is based on the unemployment or under-employment of one of the parents in the household.

**Up-front Job Search** --- Newly-granted TANF recipients who are considered job-ready, and who are eligible for TANF based on unemployment of the primary wage earner or single parent recipients whose children are 5 years of age or older, may participate in individual or group job search activities during the work evaluation phase of involvement with ASPIRE-TANF.

**Voluntary Participant** --- A TANF recipient who is not required to participate, by Federal or State regulations but chooses to enroll in ASPIRE-TANF.

**Work Activities** --- Work activities are those activities that are allowable under PRWORA (Sec. 407, (d)), and are listed in this manual in Section 3 (IV)(A)(3) and (IV)(B)(2).

**Work Eligible Individual (WEI)** --- An adult, or a minor child, who is a head of household, receiving assistance under TANF or a separate State program, who is not otherwise exempted from meeting a work requirement.

**Work Evaluation** --- Consists of all activities related to Assessment, employability plan development and initial amendment to the Family Contract Amendment. Work evaluation is limited to a maximum of 90 days, unless extended by the Commissioner (or the designee of the Commissioner).

(XXX , 2020)

1-9

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**Work Experience** --- This is a generic term used to describe a variety of experiential activities (such as TEMP, On-the-Job Training, Community Service, etc.) that lead to, or include, employment.

~~(February 6, 2017) --- 1-6 --- Policy #23A~~

**Work Readiness Activities** --- These activities include job shadowing, job coaching, mentoring, situational assessment, and any other activity that will encourage obtaining or retaining employment.

**Working Cars for Working Families** -- Transportation assistance program which assists participants in obtaining and maintaining sustainable employment by providing them with access to reliable, affordable transportation. This program is designed to be an employment support and to comply with applicable federal TANF regulations.

**END OF SECTION**

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 18: WORKING CARS FOR WORKING FAMILIES**

**SUMMARY:** This section describes the Working Cars for Working Families Program (referred to in this Section as “the Program”), which is created to provide transportation for low-income individuals to obtain and retain employment. This Section establishes the Program, sets out eligibility and ongoing participation criteria, and describes the application and decision-making processes.

**I. AUTHORIZATION**

The Department is authorized to operate the Working Cars for Working Families Program by 22 M.R.S. § 3769-F.

**II. PHILOSOPHY**

The purpose of the Program is to assist participants in obtaining and maintaining sustainable employment by providing them with access to reliable, affordable transportation. The Program is designed to be an employment support and to comply with applicable federal TANF regulations.

**III. ADMINISTRATION**

A. General -- Subject to the availability of funds, the Department shall administer the Working Cars for Working Families Program in accordance with this Section. The Program shall endeavor to provide long-term transportation solutions to eligible program participants, and the Department may exercise its discretion in determining the most effective and efficient way to achieve that goal with the limited resources and time period provided under statute. In such exercise of its discretion, the Department may determine that the Program will include different transportation options. Such options may include, without limitation—furnishing purchased or donated vehicles to participants; coordinating public or private transportation; facilitating car shares among participants; ride or shuttle service; or providing driver instruction or education. These rules include some provisions that expressly apply only to certain such options, but nothing in these rules or in those specific provisions shall be construed to require the Department to provide such options.

B. Definitions –

1. For purposes of this Program, “sustainable employment” is employment that leads or is expected to lead to a family ending its financial need for cash assistance, including TANF, PaS, and Alternative Aid. “Employment” within the meaning of this Section does not include self-employment or any form of employment that involves a subsidy to the employer.

2. For purposes of this Program, “earned income” is as defined in 10-144 C.M.R. Ch. 331 Introduction and Definitions and limited by Subsection III (B) of this Section.

C. Funding Contingencies -- Pursuant to authorizing statute, funding for the Working Cars for Working Families Program is limited to \$6,000,000 allocated from the federal TANF block grant accrued prior to state fiscal year 2017-2018. If the Department finds that its continued



**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

administration of the Program will or is reasonably likely to exhaust that funding before June 30, 2022, it will follow the procedures in this subsection to minimize the impact on program participants.

1. If funding allows, the Department shall stop accepting or processing new applications or Transportation Program Agreements (see Subsection VII), and shall continue to honor all current, signed Agreements to their completion date.
2. If funding is not sufficient to maintain current programming as described in subparagraph 1, the Department shall reduce specific transportation services and/or the frequencies with which such services are provided, giving as much advance notice to affected program participants as is reasonably practicable. The Department shall effectuate reductions and eliminations under this subsection on a generalized and categorical basis, and shall not make case-by-case elimination or reduction decisions.
3. If funding is not sufficient to maintain current programming as provided in subparagraph 1 or to equitably reduce or eliminate programming as provided in subparagraph 2, the Department shall terminate all Transportation Program Agreements and end all services, providing as much advance notice to program participants as is reasonably practicable.
4. The Department will notify program participants of reductions or program termination no less than fourteen (14) calendar days in advance of the reduction or termination of service.
5. Categorically applicable denials, reductions, and service terminations based on funding limitations are not subject to administrative appeal.

**IV. ELIGIBILITY DETERMINATION PROCESS**

A. General -- The Department shall determine program eligibility and enrollment as follows:

1. The Department shall determine whether an application meets the financial and nonfinancial program eligibility criteria set out in Subsection V;
2. If the Department finds that an application meets the eligibility criteria, it will notify the applicant, and schedule and conduct an in-person assessment with the applicant, in accordance with Subsection VI; and
3. If the Department finds that Program participation is appropriate for the applicant, it will determine whether there are available Program resources that would remediate the applicant's transportation barriers.

B. Application -- To facilitate the process described in Subsection IV (A), the Department shall develop a uniform application for the Program, which will allow the Department to evaluate an applicant's eligibility under Subsection V. The application will also include a list of

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

transportation services that may be available, from which the applicant may indicate the specific service(s) sought. Applicants may submit completed applications at any of the Department's regional offices or at statewide offices where ASPIRE services are provided.

- C. Enrollment -- The Department shall determine whether an applicant may receive transportation services under this Section—and if so, what specific services to provide—based on the following:
1. The Department's review of the applicant's eligibility under the Basic Eligibility Criteria in Subsection V, including the applicant's timely production of any necessary or requested verifications that confirm such eligibility;
  2. The applicant's timely compliance with requests for verification and attendance at the scheduled assessment;
  3. The Department's review of the applicant's transportation needs, employment situation, and suitability for the Program, in accordance with Subsections V and VI; and
  4. The availability of Program resources, and non-program alternatives, that will reasonably address the applicant's transportation needs.

If in its evaluation of factors 1-4, the Department determines that participation in the Program is appropriate, it will notify the applicant in accordance with Subsection IV (D). Program enrollment and service delivery shall not occur until the qualified applicant has executed a Transportation Program Agreement under Subsection VII (A).

- D. Decision -- The Department will issue a written determination of eligibility at the conclusion of its evaluation. If the applicant is not deemed eligible and qualified for the program pursuant to Subsections V or VI, or if the Department determines that the applicant will receive a transportation service that is not the applicant's first preference, then the notice will identify the reason(s) for the denial or for the particular service selection. The decision will be provided to the applicant within thirty (30) calendar days of the date the Department receives the completed written application, provided the applicant has replied to requests for verifications in a timely manner and attended the scheduled assessment. The notice of decision will include information on appeal rights when applicable.
- E. Waitlist -- If the transportation service that an eligible individual requires is not immediately available, the Department will maintain a waitlist that will include the individual's contact information, affirmative eligibility determination, and service request. When the service becomes available, the applicant will be contacted by their preferred method of contact that the individual stated during their Assessment (e.g.i.e., telephone, text, email, written postal mail). If the individual does not respond to that preferred method of contact within two (2) business days, they will be mailed a written notice, which, if more than sixty (60) days after the applicant's first assessment, will include the date and time of a new Assessment appointment. If the waitlisted participant fails to contact the Program within ten (10)

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

business days of the date the notice was issued by the Department, the individual will be closed from the Program and removed from all Program waitlists.

**V. BASIC ELIGIBILITY CRITERIA**

A. Financial Eligibility -- Applicants must meet one of the following financial eligibility requirements to receive transportation services as part of the Program:

1. As of the date of application, the applicant must be an included member of an open case in Maine for, and be receiving, TANF or TANF-PaS; or
2. The applicant's filing unit (within the meaning of the Maine Public Assistance Manual, Chapter II) must have gross income at or below the gross income standard applicable to Alternative Aid applicants, pursuant to the Maine Public Assistance Manual, Chapter IX.

B. Transportation Need -- To be eligible for the Program, applicants must demonstrate that adequate reliable transportation is their primary barrier to obtaining or retaining sustainable employment. In assessing this need, the Department may require an applicant to make a written statement as part of the application, explaining the applicant's transportation limitations and how they impact job prospects. Determining whether an applicant meets this eligibility criterion will require the Department to consider the facts and circumstances of each individual applicant. At a minimum, the applicant shall provide details concerning, and the Department shall consider, the following:

1. Employment Circumstances -- The applicant must have a reasonable likelihood of obtaining or retaining sustainable employment by participating in the Program. An applicant may meet this requirement by showing the following, or making a similar showing:
  - a. The applicant is actively working thirty (30) or more hours per week, resulting in weekly earned income equal to or in excess of the State of Maine's minimum wage;
  - b. The applicant has a job offer, or offers, that would combine for thirty (30) hours average weekly employment, resulting in earned income equal to or in excess of the State of Maine's minimum wage;
  - c. The applicant has at least one pending job application for a position the applicant is qualified for and prepared to accept, within an hour commute of the applicant's residence;
  - d. Within the last thirty (30) days there have been, or there currently are, at least three posted positions, for which the applicant is qualified and that they would have applied to but for transportation limitations, within an hour commute of the applicant's residence; or

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

e. Within thirty (30) days of Program application the applicant will receive a credential, certification, degree or other similar qualification that will enable the applicant to apply for and accept employment within a field that has had in the last thirty (30) days at least three posted positions within an hour commute of the applicant's residence for which the applicant will be qualified upon receipt of the new credential.

2. Transportation Limitations. An applicant will be eligible for the Program only if they do not have access to sufficient transportation to maintain or obtain sustainable employment. An applicant is not eligible for the Program, if—

a. They own a vehicle in reliable running condition. The Department will verify an applicant's lack of ownership by searching for active registration with the State of Maine, Bureau of Motor Vehicles (BMV) and with the BMV or any like agency of any other state where the applicant lived within twelve (12) months of applying. If the applicant contends that their vehicle is not in reliable running condition, the Department will require a written statement from a State of Maine licensed vehicle inspection station;

b. Another adult living with the applicant owns a vehicle in reliable running condition and does not use the vehicle for work or child care that conflicts with the applicant's actual or anticipated employment schedule. The Department will verify such lack of ownership by searching for active registration with the State of Maine, Bureau of Motor Vehicles. If the applicant contends that the household vehicle is not in reliable running condition, the Department will require a written statement from a State of Maine licensed vehicle inspection station;

c. Available public transportation can reliably and consistently accommodate the applicant's actual or anticipated schedule of employment hours and child-care-provider-required pick up and drop off times, with an average commute time of no longer than one (1) hour each way; or

d. They have consistent access to any other form of reliable transportation that does not limit the applicant's ability to accept new employment, increase hours, change their work schedule, or meet child care needs.

C. Additional Nonfinancial Requirements—

1. No applicant is eligible to participate in the Program if at the time of application or subsequent to the application—

a. The applicant or another member of the applicant's TANF filing unit has received three (3) or more Department sanctions including from, without

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

limitation—ASPIRE, Division of Support Enforcement and Recovery (DSER), and Quality Control (QC) in the last twenty-four (24) calendar months; or

b. The applicant or another member of the applicant's TANF filing unit has had an Intentional Program Violation (IPV) for any needs-based benefit program in Maine, or any other state within the United States.

2. Applicants who are mandatory ASPIRE Program participants must meet the following conditions:

a. Be in compliance with the terms of their Family Contract Amendment;

b. Not have a current sanction for failing to comply with the ASPIRE Program;

c. Not be exempt from ASPIRE work participation requirements. This limitation includes federally allowed exemptions of caring for a disabled family member, or caring for a child under the age of one (1); and

d. One of the following:

i. Have been successfully meeting the ASPIRE work participation requirements without need for good cause for each of the previous three months, or since beginning participation with ASPIRE, whichever is shorter; or

ii. Have had employment of an average of thirty (30) hours per week resulting in weekly earned income equal to or in excess of the State of Maine's minimum wage for each of the previous three months, or since beginning participation with ASPIRE, whichever is shorter; or

iii. During the relevant period, have attended full time (as defined by the institution) college courses that resulted in an Associate's or Bachelor's Degree, or attended a training or education course(s) for an average of thirty (30) hours per week that resulted in a work credential.

3. Individuals who are not mandatory ASPIRE Program participants must meet the following conditions:

a. Qualify as a member of a TANF filing unit, in which a qualifying specified relative is maintaining a home for a child under the age of eighteen (18), or who is eighteen (18) and attending school full time. The provisions of the Maine Public Assistance Manual, Chapter II, apply to determine whether an applicant meets the qualifications under this subsection;

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

b. Be actively working thirty (30) or more hours per week, resulting in weekly earned income equal to or in excess of the State of Maine's minimum wage before receiving any transportation service under the Program; and

c. Attend a Program orientation and comply with all requirements associated therewith before receiving any transportation service under the Program.

D. Additional Eligibility Criteria for Vehicle Access—Applicants requesting to receive access to a vehicle through the Program must meet additional eligibility requirements to receive the service. Applicants otherwise meeting the eligibility criteria in this section may receive other transportation services available through the Program until satisfying the following criteria:

1. Have a current valid driver's license in any state in the United States;
2. Be at least twenty-one (21) years of age;
3. Demonstrate the ability to responsibly own and maintain a vehicle. This demonstration includes completion of each of the following courses prior to vehicle delivery, if the Department provides them:
  - a. Driver safety course (Maine Driving Dynamics);
  - b. Vehicle ownership orientation; and
  - c. Vehicle ownership course including financial preparation.
4. Not have been convicted of any of the following offenses, as determined by self-attestation and a background check:
  - a. Operating Under the Influence (OUI), Driving Under the Influence (DUI) or Driving While Intoxicated (DWI) in the past ten (10) years;
  - b. More than two (2) moving violations or at-fault accidents in the past five (5) years;
  - c. Any moving violation in the six (6) months immediately preceding Program enrollment; or
  - d. Any crimes of violence leading to bodily injury of another.
5. Make a down payment to the Department in the amount equivalent to three (3) monthly premium payments, as provided in Subsection VII (C)(2). This payment may be made in no more than three (3) installments, over no more than three (3)

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

months, and may not be waived. Participants may not receive ASPIRE, FSET, or HOPE support services to cover the down payment.

- E. Verifications -- Except where otherwise specified, above, and unless the Department can obtain verification through its own records or the records of its agents, the Department shall require written or third-party verification of any factor impacting Program eligibility. Failure to respond to requested verifications within ten (10) business days may result in a denial.

**VI. ASSESSMENT**

- A. General -- As part of the determination of Program eligibility, the Department will conduct an assessment of the applicant to evaluate the applicant's qualifications, particularly with regard to their transportation need, as set out in Subsection V(B). Provided that all eligibility criteria are satisfied, the assessment will also evaluate available transportation service options to determine the option best suited to an applicant's particular situation. The Department may determine, as a result of the assessment, that the applicant may receive program services that are different from the applicant's initial request.

- B. Format and Scheduling -- The assessment will be scheduled verbally or by a written scheduling notice and shall be conducted in person between the applicant and the Department. Failure to attend a scheduled assessment without providing twenty-four (24) hours of advance notice and rescheduling at a mutually agreed time no more than one week after the original date may result in a denial. The Department may, but is not required to, verbally notify the applicant at the time of the assessment that they are eligible for the Program and suitable for an available option. If such a determination is appropriate, the Department and the applicant shall execute a Transportation Program Agreement at that time, and the Department may begin providing Program services immediately, as appropriate. If the Department makes such a determination at the time of the assessment, and the applicant executes a Transportation Program Agreement, the applicant may, at their sole option, elect not to receive a separate written decision about Program eligibility under Subsection IV (D).

- C. The Department shall discuss the following with the applicant during the Assessment:

1. Any information in or missing from the application that is relevant to eligibility criteria set out in Subsection V;
2. Any information in or missing from requested verifications;
3. The applicant's current employment status, including details concerning earnings and scheduled work hours;
4. The applicant's employment history from the past twenty-four (24) months, to include self-employment and subsidized employment;
5. Transportation resources currently available to the applicant;
6. The applicant's method of transportation used in the past twelve (12) months;

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

7. The applicant's current or anticipated travel route to child care and employment;
8. Details of any vehicles owned or registered to the individual to include, but not limited to, outstanding loans, year, make, model, mileage, condition, current status of title, registration, inspection, liens, and insurance;
9. Driving background to include a review of a background check which shall include searches of the State Bureau of Investigation (SBI) and Maine's Bureau of Motor Vehicles (BMV) records;
10. Any other matter that impacts the applicant's Program eligibility or suitability for a service or set of services; and
11. Information on the applicant's preferred method of contact.

**VII. PARTICIPATION AND CONTINUED ELIGIBILITY REQUIREMENTS**

- A. Program Agreement -- Prior to receiving any services under the Program, and before any changes to services can take effect for ongoing cases, participants must execute with the Department a Transportation Program Agreement (Agreement).
  1. Form and Duration -- The Agreement must be reviewed and renewed no less often than once every six (6) months, or whenever there is a material change in a participant's employment or transportation circumstances.
  2. Effect -- The participant shall comply with the terms of their Agreement, and failure to do so may result in termination of enrollment, per Subsection VIII, a Program overpayment, per the Maine Public Assistance Manual, Chapter VI, and/or an Intentional Program Violation (IPV), per the Maine Public Assistance Manual, Chapter VI.
  3. Content -- Each Agreement shall be tailored to the facts and circumstances of the Program participant. In addition, all Agreements must include the following:
    - a. An attestation by the participant that they do not have sufficient access to reliable transportation to allow the them to retain or obtain sustainable employment;
    - b. A commitment that the participant will report to the Department immediately if they determine that they cannot meet the requirements of the program;
    - c. A commitment that, once enrolled in the program, the participant will not voluntarily reduce hours of employment below the average of thirty (30) hours per week;



**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- d. A commitment that the participant will report changes of employment circumstances (including without limitation -- employer, hours, schedule, and earnings), the availability of alternative transportation options, and contact information to the Department within ten (10) days of their becoming aware of the change;
  - e. A commitment that the participant will attend in-person meetings with the Program as scheduled, and no less often than once a month during the first six (6) months of program participation; and
  - f. A commitment that the participant will not engage in disruptive conduct during any program-coordinated transportation service.
4. Content Specific to Vehicle Access Services -- Prior to receiving such service under the Program, participants eligible for and seeking to gain access to a vehicle under the Program must execute an Agreement that, in addition to the provisions specified in Subsection VII (A)(3), includes—
- a. A commitment to use the vehicle primarily for purposes of commuting to and from work;
  - b. A commitment not to sell or trade the vehicle during Program participation, without prior authorization in writing from the Director of the Office for Family Independence or their designee;
  - c. A commitment not to allow other members of the household to drive the vehicle;
  - d. A commitment not to use the vehicle for income producing transportation services or for transportation services which result in mileage reimbursement for transporting others;
  - e. A commitment to operating the vehicle in compliance with all applicable traffic and parking laws;
  - f. A commitment not to operate the vehicle under the influence of alcohol, illegal drugs, or prescription drugs that impair a person's ability to operate motor vehicles;
  - g. A commitment not to consume alcohol, illegal drugs, or prescription drugs that impair a person's ability to operate motor vehicles while in the vehicle, whether or not the vehicle is running;
  - h. A commitment to report any accidents, thefts, or similar types of incidents involving the vehicle to law enforcement immediately;

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- i. A commitment to protect the vehicle from theft and vandalism by locking the vehicle and parking in well-lit areas, to the extent possible;
  - j. A commitment to conduct routine maintenance on the vehicle as necessary, including but not limited to, regular cleaning of the interior and exterior of the vehicle, oil changes, and maintaining fluid levels;
  - k. A commitment not to operate the vehicle when it is in an unsafe condition or in need of repairs, to report such a condition to the Department immediately, and to cooperate with the Department in arranging for necessary repairs;
  - l. A commitment not to use the vehicle for any illegal activities;
  - m. A commitment to make monthly premium payments timely and in-full, as described in Subsection VII (C);
  - n. Subject to Subsection VII (C)(1), a commitment to timely cooperate with and assist the Department in—
    - i. maintaining active, current registration for the vehicle,
    - ii. maintaining active, current insurance on the vehicle,
    - iii. ensuring the vehicle timely passes state inspection, and
    - iv. ensuring all applicable taxes on the vehicle are paid; and
  - o. A commitment to immediately return the vehicle to the Department upon demand, for failure to comply with the terms of the Agreement or the rules of the Program, including transferring title to the Department where applicable.
- B. Annual Review -- No less often than once every twelve (12) months following initial Program Enrollment, a participant will attest to the Department and confirm with verifications as requested by the Department that --
- 1. Without regard to how the participant initially gained financial eligibility into the Program, the gross income of the participant's filing unit (within the meaning of the Maine Public Assistance Manual, Chapter II) is less than or equal to 250 percent of the federal poverty level;
  - 2. Transportation would be a primary obstacle to retaining sustainable employment if the participant withdrew from the Program; and
  - 3. The participant continues to meet all applicable nonfinancial eligibility requirements set out in Subsection V (C) and (D).

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

C. Additional Vehicle Access Provisions --

1. To the extent reasonably practicable, the Department shall transfer title to all vehicles provided to program participants within thirty (30) calendar days of vehicle distribution. Prior to transferring title, in addition to determining that the participant has met all relevant eligibility criteria, the Department must—
  - a. Determine that, without assistance from the Department, the participant is financially able to pay all expenses associated with owning the vehicle including, without limitation, expenses associated with the provisions of Subsection VII (C)(1)(b), below; and
  - b. Require the participant, as an additional provision of the Agreement, to—
    - i. maintain active, current registration for the vehicle,
    - ii. maintain active, current insurance on the vehicle,
    - iii. ensure that the vehicle timely passes state inspection, and
    - iv. ensure that all applicable taxes on the vehicle are paid.
2. Monthly Premiums -- Notwithstanding title to the vehicle, participants must pay to the Department a premium of \$100 by the 15<sup>th</sup> day of each calendar month in order to maintain access to such vehicle under the Program.
  - a. If a participant's filing unit (within the meaning of the Maine Public Assistance Manual, Chapter II) has income greater than 200 percent of the federal poverty level, the participant's monthly premium will be \$150.
  - b. A participant's first failure to make a timely monthly premium payment will result in an overpayment in the amount of the premium due and an official warning issued by letter. A second failure to make a timely premium payment will result in an overpayment and an obligation to return the vehicle to the Department, per the Agreement.
  - c. Temporary Waiver -- For no more than one month at a time, the Department may waive the monthly premium and any penalty for failure to make a payment thereof, upon a participant's written or oral request and verification prior to the payment due date that—
    - i. the filing unit's income has fallen below 100 percent of the federal poverty level; or

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

ii. the participant is experiencing a crisis or extreme hardship, as determined by the Director of the Office for Family Independence or their designee.

Without regard to this Subsection, if a participant cannot pay the premium for more than two (2) months in a row or three (3) months in a twelve (12) month period, the Department will conduct a new assessment and reassign the participant to a more suitable transportation option, if one is available.

d. Participants may not receive ASPIRE, FSET, or HOPE support services to cover the premium.

3. Program Graduation -- After a participant has made a total of twenty-four (24) monthly premium payments, in addition to the down payment, participation in the program and obligations under the Agreement will end, and the participant will retain ownership of the vehicle without continuing premium payment obligations. The Department shall notify participants in writing at the time of such graduation.

4. The Department shall pursue an intentional program violation (IPV) when a participant has knowingly failed to return the vehicle upon the Department's demand or has sold or traded the vehicle during Program participation without prior authorization in writing from the Director of the Office for Family Independence or their designee. The dollar amount of any overpayment associated with such an IPV will be the value of the vehicle at the time of the initial transfer of ownership from the Department to the participant. Such amount may not be reduced to account for depreciation, premium payments made, or any other costs incurred and paid by the participant in the course of owning the vehicle.

**VIII. TERMINATION AND APPEAL**

A. Early Termination of Services -- Program services to a participant shall be terminated when one of the following occurs:

1. The participant no longer meets all applicable program eligibility requirements set out in Subsection V; or
2. The participant fails to comply with a provision in their Agreement.

A participant shall not be terminated from the program due to failure to comply with their Agreement if the noncompliance concerns employment, and the participant demonstrates either --

- a. That the participant was terminated or had hours reduced through no fault of the participant; or
- b. The noncompliance was due to a medical condition or illness of the participant or a dependent who requires full time care. This

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

noncompliance must last no more than two (2) calendar weeks. The medical condition or illness must be verified by a medical provider approved by the Department.

B. Appeal Rights -- A participant who disputes an application decision or a program decision, including a decision on a selection, reduction, or termination of transportation services; a denial of a monthly premium temporary waiver; or an overpayment; has the right to an administrative hearing, provided the request for the hearing is made timely. Department staff will complete the hearing request on behalf of the participant and file it with the Administrative Hearings Unit. See 10-144 C.M.R. Ch. 331, Maine Public Assistance Manual (TANF) Chapter VI, for additional information on Fair Hearings and Administrative Hearings and Intentional Program Violations.

1. The request for an administrative hearing must be made within thirty (30) calendar days of the issuance of the notice of action which is disputed. If the disputed decision involves the suspension or termination of transportation services which have previously been provided, and the participant requests an administrative hearing within ten (10) days of the notice, transportation services will continue pending the outcome of the administrative hearing. In no event, however, will the participant have access to continued Program services pending appeal if the participant violated a term of the Agreement specific to vehicle access.
2. The hearing will be conducted in accordance with the rights and procedures set forth in 10-144 C.M.R. Ch. 1 *et seq.*

**END OF SECTION**

## Kreckel, Brendan D

---

**From:** Quinn, Thomas J  
**Sent:** Thursday, May 14, 2020 9:58 AM  
**To:** Downs, Michael E  
**Cc:** Ray, Liz; Baer, Julian; Johnson, Kimberly  
**Subject:** RE: ASPIRE 25 for pre-review  
**Attachments:** Rule Pages ASPIRE 25P (TC) v13 (002).docx

**Sensitivity:** Confidential

Hi Michael:

Thanks for redirecting me back to this one. I've reviewed the docs you returned to me, and have only a couple of minor stylistic suggestions, as indicated in the tracked changes here. Basically they are all in the Definitions section, specifically:

1. In FSNET definition, as indicated, change semicolon to a comma;
2. In HOPE definition, delete the comma after 'provider,' and change "Low" income to "low" income (unless there's a reason otherwise).

I agree with all of your other changes. I do seem to recall wondering about the earlier language about the Department assisting in preparation for a hearing, but I can't recall if we discussed that. I think there may be language elsewhere in the Manual about providing some help in making their case but I think that may refer to the process before a decision is made. Anyway, I think this is a prudent change (along with the others).

Let me know if you have further questions. I'll get back to you soon re MC296A.

Regards,  
Tom

---

**From:** Downs, Michael E <Michael.E.Downs@maine.gov>  
**Sent:** Monday, April 13, 2020 4:47 PM  
**To:** Quinn, Thomas J <Thomas.J.Quinn@maine.gov>  
**Cc:** Ray, Liz <Liz.Ray@maine.gov>; Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** RE: ASPIRE 25 for pre-review  
**Sensitivity:** Confidential

Good afternoon Mr. Quinn,

Since your last review of ASPIRE 25P, we have accepted your edits. As a result of OFI and Commissioner's Office review, we have made the following additional edits. Some are substantive and we would appreciate your feedback on those (particularly the highlighted ones).

- 1) Inconsequential adjustments to capitalization, punctuation, presentation of figures, spacing, correction of long standing typos and pagination.
- 2) The following definitions were corrected:
  - a. "Exempt from the Time Limit" was clarified to apply to the month not the individual.
  - b. HOPE
- 3) Section 18 (III)(B)(2) was added, providing a definition of earned income (via reference to the TANF manual)

- 4) Section 18 (III)(C) was removed. The sunset of the program is clear in statute (which is referenced in the opening paragraph of this Section). Including it here would be redundant, and Keven Wells pointed out that the Department does not have the authority to extend the program the way it was detailed here.
- 5) Section 18 (VIII)(B)(2) was removed as it stated that the Department would offer to assist the participant in preparing for the hearing.
- 6) The rights detailed in Section 18 (VIII)(B)(was 3 now 2) were replaced with a reference to 10-144 C.M.R. Ch. 1 to reduce redundancy.

I have included updated copies of the Rule Pages for your review. As always, If I can be of any assistance in this process, please do not hesitate to reach out. E-mail, Skype, and Teams are always options. If you want to reach out by phone, (207) 812-1298 is the number to use for the duration of the work-from-home directive.

Thank you,

Michael E. Downs  
Policy Senior Planner  
State of Maine  
Dept. Of Health and Human Services  
Office for Family Independence  
Ph (207) 624-4135  
Fx (207) 287-3455

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---

**From:** Quinn, Thomas J <[Thomas.J.Quinn@maine.gov](mailto:Thomas.J.Quinn@maine.gov)>  
**Sent:** Thursday, February 20, 2020 12:47 PM  
**To:** Downs, Michael E <[Michael.E.Downs@maine.gov](mailto:Michael.E.Downs@maine.gov)>  
**Cc:** Ray, Liz <[Liz.Ray@maine.gov](mailto:Liz.Ray@maine.gov)>  
**Subject:** RE: ASPIRE 25 for pre-review (again)  
**Sensitivity:** Confidential

Hi Michael:

Sorry for the delays in getting this back to you. I've been busier than usual lately with some of my non-OFI areas of responsibility, including APS substantiation hearings and involuntary commitment hearings. It looks like I have a bit of space here in the next couple of weeks so hopefully I can get the remainder of the waiting Rules back to you soon.

As for ASPIRE 25P, I had not corrections/suggestions to the various MAPA documents, so I have not attached those. I have attached my suggested revisions to the Rule Pages. For some reason, though, at least from my side my track changes did not seem to show strikethroughs on material I deleted (although it deleted it) although it did (and does) show additions/insertions. I hope this isn't too big a problem, if you likewise can't see deletions. I think in each instance in which I deleted something I inserted something else, so – worst case scenario – it's at least possible to look at where my additions are and compare to the version you provided to see the adjacent changes. If any of them are unclear you can call/email me and I can describe any deletions/changes that are not obvious. For the most part again these are almost always simply stylistic changes where I added a word or two to make the language parallel or (at least in my

mind) clearer. The closest to real substantive additions is in the final few paragraphs where I added language about appeals and removed a phrase -- in (3)(f) -- that I thought was redundant.

Let me know if you need to clarify any of this. Otherwise I think we are set with this pre-review. Thanks.

Tom

---

**From:** Downs, Michael E <[Michael.E.Downs@maine.gov](mailto:Michael.E.Downs@maine.gov)>  
**Sent:** Friday, November 22, 2019 4:21 PM  
**To:** Quinn, Thomas J <[Thomas.J.Quinn@maine.gov](mailto:Thomas.J.Quinn@maine.gov)>  
**Cc:** Ray, Liz <[Liz.Ray@maine.gov](mailto:Liz.Ray@maine.gov)>; Croteau, Dawn <[Dawn.Croteau@maine.gov](mailto:Dawn.Croteau@maine.gov)>; Baer, Julian <[Julian.Baer@maine.gov](mailto:Julian.Baer@maine.gov)>  
**Subject:** ASPIRE 25 for pre-review (again)  
**Sensitivity:** Confidential

Good afternoon Mr. Quinn,

Attached please find documents for the pre-review of ASPIRE25 – Working Cars for Working Families. The bulk of this rule change is a whole new section to the manual. There are some tweaks to the definitions section as well. We had sent a version of this rule this past summer, but there were changes required before you had a chance to pre-review it.

Thank you for your time with this pre-review, and, as always, please let me know if I can be of further assistance.

Appreciatively,

Michael E. Downs  
Policy Senior Planner  
State of Maine  
Dept. Of Health and Human Services  
Office for Family Independence  
Ph (207) 624-4135  
Fx (207) 287-3455

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## Kreckel, Brendan D

---

**From:** Moncure, Halliday  
**Sent:** Tuesday, July 14, 2020 11:17 AM  
**To:** Downs, Michael E  
**Cc:** Ray, Liz; Baer, Julian  
**Subject:** RE: ASPIRE 25P updated MAPAs for OAG review

**Sensitivity:** Confidential

Hi Michael –

Nice job with moving so quickly to amend your rulemaking documents and coordinate the public hearing via videoconference. I appreciate all the details that OFI provided about the process, and that, following a test run, it appears you've worked out any technology issues (of course, you'll have time to do another test if needed prior to Aug. 10).

There was one typo in the MAPA 3 where it references "this Amended Fact Sheet is filed because..." Otherwise, the revised documents look good and ready for filing. I assume you will also prepare a substantively similar IP notice?

Thank you.

Halliday

Halliday Moncure  
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Fax: 207 287 3145  
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---

**From:** Downs, Michael E <Michael.E.Downs@maine.gov>  
**Sent:** Tuesday, July 14, 2020 10:54 AM  
**To:** Moncure, Halliday <Halliday.Moncure@maine.gov>  
**Cc:** Ray, Liz <Liz.Ray@maine.gov>; Baer, Julian <Julian.Baer@maine.gov>  
**Subject:** RE: ASPIRE 25P updated MAPAs for OAG review  
**Sensitivity:** Confidential

Good morning Halliday,

We would like to request pre-review of the attached MAPA 3 and Fact Sheet.

We have secured the telephonic support to queue up commenters and did a test this morning of the phone to Teams functionality. I sent a recording of the test event via Teams (It was too big for e-mail) in case you would like to review it for viability. Prior to recording time 7:45 we were waiting for people to join and working out logistics. I would recommend you watch/listen from 7:45 to 8:45 I think that gives you a good sense of how it worked, anything beyond that was just us testing other features.

Teams generated an AttendeeReport (attached) which will act as our sign in sheet. Teams generated a Qna\_Report (attached) which keeps a record of that interaction. All other chat functionality was and will be disabled. Teams also generated a transcript, but I reviewed it and was not impressed with the quality. (E.g. when I said "Julian" it transcribed as "Gilliam" and when it said "it's, umm, just that", it transcribed as "it's just dumb that".) We will manually transcribe from the recording as we do with in-person hearings.

I have attached updated versions of the MAPA documents for your review. We accepted your first round of edits whole cloth.

**Fact Sheet** – please see my suggested edits in redline, attached.

1. Can you please confirm that this Fact Sheet contains all the substantive information that was included in the originally filed Fact Sheet (in terms of what this rulemaking does, financial impact, etc.)?  
**Yes all of those items are consistent with the MAPA documents pre-reviewed by AAG Tom Quinn.**
2. Revise comment deadline to 5pm on 8/20/2020. Typically the comment deadline is the close of business on that date.
3. I removed reference to 5 MRS 8051-B because this is not consensus-based rulemaking. Rather, this is "typical" routine technical rulemaking where, during the comment period, 5 people have requested a public hearing per 8052(1).
4. Revise language to state that the Department extended the comment period. In other words, if the Department gets additional comments at the end of the week after it issues the revised IP notice, it will accept those comments (they do not have to be submitted on or after 7/22).

**MAPA 3** – please make changes consistent with the Amended Fact Sheet.

Then made additional edits which we believe address your additional comments.

- 1) the MAPA documents should say that /people may need to download the Teams app/ so people can be prepared to participate prior to the time of the public hearing.
- 2) **Please revise the MAPA documents to make this /intention to broadcast via Teams and have people call in with comments/clear.**

We would like to be able to deliver these documents to the SOS today.

We have another request related to this hearing, but it can wait until tomorrow or any time before August 10. We would also like the OAG's input on our ability to tell people who want to submit comments through the Q&A, that they will not be accepted that way. We plan to provide all the normal web site, e-mail and snail-mail methods and the call in number for the hearing. And have that information available through "announcements" in the event (which would have clickable links) as well as on a continuous loop PowerPoint of 3 to 5 slides that would display throughout the hearing. We are hoping you can provide some language for our opening remarks and/or cut and paste language that we can send as a response if someone attempts to submit official comments through the Q&A. The alternative would be to disable the Q&A altogether, but that would keep us from providing the clickable links, and prevent attendees to notify us if they are having trouble getting through on the phone line.

Please let me know if there is anything else I can do or provide to assist with this process?

Thank you

Michael E. Downs  
Policy Senior Planner  
State of Maine  
Dept. Of Health and Human Services  
Office for Family Independence  
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Fx (207) 287-3455

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---

**From:** Downs, Michael E  
**Sent:** Monday, July 13, 2020 1:00 PM  
**To:** Moncure, Halliday <[Halliday.Moncure@maine.gov](mailto:Halliday.Moncure@maine.gov)>  
**Cc:** Ray, Liz <[Liz.Ray@maine.gov](mailto:Liz.Ray@maine.gov)>; Baer, Julian <[Julian.Baer@maine.gov](mailto:Julian.Baer@maine.gov)>  
**Subject:** RE: ASPIRE 25P updated MAPAs for OAG review  
**Sensitivity:** Confidential

Good afternoon Halliday,

No need to apologize. We are all trying to address many moving parts where this rule is concerned.

We are still ironing out the details around the call in number. That factor is the largest one standing in the way of a test of the tech, and the more complete language you are requesting (and we would prefer) for MAPAs. We will hold off on moving the documents forward until these details can be resolved.

Everything I have researched on Teams indicates that with a computer you can just go to the URL. When I did a mini-test myself of the live event feature, I did need to download an app to access the meeting on my cell phone.

Thank you,

Michael E. Downs  
Policy Senior Planner  
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Dept. Of Health and Human Services  
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Fx (207) 287-3455

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---

**From:** Moncure, Halliday <[Halliday.Moncure@maine.gov](mailto:Halliday.Moncure@maine.gov)>  
**Sent:** Monday, July 13, 2020 12:56 PM  
**To:** Downs, Michael E <[Michael.E.Downs@maine.gov](mailto:Michael.E.Downs@maine.gov)>  
**Cc:** Ray, Liz <[Liz.Ray@maine.gov](mailto:Liz.Ray@maine.gov)>; Baer, Julian <[Julian.Baer@maine.gov](mailto:Julian.Baer@maine.gov)>  
**Subject:** RE: ASPIRE 25P updated MAPAs for OAG review  
**Sensitivity:** Confidential

Hi Michael –

Apologies for the multiple emails. Another question is whether people need to download an app on their computer in order to access Microsoft Teams Live and/or call in to the Teams Live event. If yes, then the MAPA documents should say that so people can be prepared to participate prior to the time of the public hearing.

Halliday Moncure  
Assistant Attorney General  
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Augusta ME 04333-0006  
Tel: 207 626 8555  
Fax: 207 287 3145  
[Halliday.Moncure@maine.gov](mailto:Halliday.Moncure@maine.gov)

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**From:** Moncure, Halliday  
**Sent:** Monday, July 13, 2020 12:45 PM  
**To:** Downs, Michael E <[Michael.E.Downs@maine.gov](mailto:Michael.E.Downs@maine.gov)>  
**Cc:** Ray, Liz <[Liz.Ray@maine.gov](mailto:Liz.Ray@maine.gov)>; Baer, Julian <[Julian.Baer@maine.gov](mailto:Julian.Baer@maine.gov)>  
**Subject:** RE: ASPIRE 25P updated MAPAs for OAG review  
**Sensitivity:** Confidential

Responses in blue, below. As noted, I suggest you revise the MAPA documents to be more clear about what people need to do to access and participate in the public hearing.

I'm available via cell, 207.504.6799, if you'd like to speak.

Halliday Moncure  
Assistant Attorney General  
Office of the Attorney General  
6 State House Station  
Augusta ME 04333-0006  
Tel: 207 626 8555  
Fax: 207 287 3145  
[Halliday.Moncure@maine.gov](mailto:Halliday.Moncure@maine.gov)

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**From:** Downs, Michael E <[Michael.E.Downs@maine.gov](mailto:Michael.E.Downs@maine.gov)>  
**Sent:** Monday, July 13, 2020 12:30 PM  
**To:** Moncure, Halliday <[Halliday.Moncure@maine.gov](mailto:Halliday.Moncure@maine.gov)>  
**Cc:** Ray, Liz <[Liz.Ray@maine.gov](mailto:Liz.Ray@maine.gov)>; Baer, Julian <[Julian.Baer@maine.gov](mailto:Julian.Baer@maine.gov)>; Quinn, Thomas J <[Thomas.J.Quinn@maine.gov](mailto:Thomas.J.Quinn@maine.gov)>  
**Subject:** RE: ASPIRE 25P updated MAPAs for OAG review  
**Sensitivity:** Confidential

Good morning Halliday,

Please see the responses below in red.

Thank you,

Michael E. Downs  
Policy Senior Planner  
State of Maine  
Dept. Of Health and Human Services  
Office for Family Independence  
Ph (207) 624-4135  
Fx (207) 287-3455

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---

**From:** Moncure, Halliday <[Halliday.Moncure@maine.gov](mailto:Halliday.Moncure@maine.gov)>  
**Sent:** Monday, July 13, 2020 12:01 PM  
**To:** Downs, Michael E <[Michael.E.Downs@maine.gov](mailto:Michael.E.Downs@maine.gov)>  
**Cc:** Ray, Liz <[Liz.Ray@maine.gov](mailto:Liz.Ray@maine.gov)>; Baer, Julian <[Julian.Baer@maine.gov](mailto:Julian.Baer@maine.gov)>; Quinn, Thomas J <[Thomas.J.Quinn@maine.gov](mailto:Thomas.J.Quinn@maine.gov)>  
**Subject:** RE: ASPIRE 25P updated MAPAs for OAG review  
**Sensitivity:** Confidential

Hello again, Michael –

Please accept these follow up comments and questions regarding the public hearing.

1. Although I am not familiar with the technology, others in our office report that the Microsoft “Teams Live” platform may not allow the public to orally present their comments.  
Correctish. A Teams Live event only allows people designated as presenters to be heard. The “Producer” can designate various people in the meeting as presenters, but that is limited to those who have connected via the Teams application on a computer. Our intention is to use the Event as a broadcasting medium and ask people to call in to a phone line with comments. This approach is similar to updates being provided by Gov. Mills and Dir. Shah or a radio call in program.

**Please revise the MAPA documents to make this clear.** As it stands, it appears that folks may click on the Teams link that you publish and participate via computer or other device in a public hearing video conference. In order to participate in this public hearing, if people must (1) click a link, and (2) call a phone number, the MAPA documents should say that. Otherwise, it could be that some folks access the hearing via computer, thinking they can participate/submit their comments, and don't have a telephone available.

2. Another question is – if members of the public can speak during a Teams Live event, whether other members can hear them.

Anyone in the event can hear the presenters. We plan to have the audio from the call broadcast through the event (again like a radio call in program).

3. There may also be issues with members of the public typing comments during the public hearing – can they do that (I would think that the Dept. does not want to permit this particular function)? If so, can other members of the public see those comments? Or does the person running the Teams Live event control the written comments and decide what to publish?

Comment functionality in a Teams event is limited at best. The most someone could do would be to submit something through the Q & A. That "Q" would be visible only to the presenters. They would have the option of ignoring it (not one we would exercise), responding individually, or responding to the whole event (which would make the "Q" and the "A" visible to everyone.) Presenters can also use the Q and A the post "announcements" (like the call in number or link to the rule language) to the entire event.

The Department also has the option of shutting off this limited chat capability.

Our plan is to keep the Q and A functional so that we can post announcements, or field concerns if someone can't get through to the call in number or access the link. But will make it clear that comments should be called in or submitted in writing through one of the traditional formats.

4. Finally, how will the Dept. ensure that the public hearing is recorded and retained per the requirements that apply to all public hearings?

Teams defaults to recording the event (as well as providing CC (read ADA compliance) and translation into up to 6 languages). The Department intends to use this recording functionality and use that recording to generate a transcript.

I suggest that we schedule a test run of the Teams Live event in advance of the August 10 hearing date, with me and several others participating from different locations. That way we can ensure that, through this platform, OFI satisfies the public hearing requirements.

Thank you for volunteering to participate in the test. My concern is this, if we provide this link to the SOS tomorrow, and determine at a later point that platform will not meet legal muster, where does that leave us?

From your responses herein, it sounds as if the Teams Live platform will be sufficient. But particularly given the (apparently) strong public interest in this rulemaking, I urge OFI to conduct a test with multiple participants from different locations to ensure the functionality of the platform. Ideally this occurs before you publish notices about the public hearing, that way if changes in the plan need to occur you can revise the documents and issue a one set instead of yet another revised set of MAPA documents. Can you do that test today? I don't necessarily need to participate but am available to do so between now and 5pm.

Thanks for reviewing and responding to these issues.

As an overarching statement. The Office does not currently have a Zoom license, if we were to scramble to purchase a basic license, we would have a room that could accommodate 100 people. An upgraded room could accommodate up to 500. If we did a Teams meeting as opposed to a Teams live event, the room would accommodate 250 people. This hearing was requested by 468 people. We anticipate advocacy groups like MEJ and Preble St. with a decidedly different perspective of the rule will also want to have a significant

presence. The Teams live event platform has a room capacity of 10,000 people and provides the Department much more control not only of the typed comments functionality you mention above, but of who can be heard when.

See above. It sounds as if Teams is the way to go for this public hearing.

Halliday

Halliday Moncure  
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Augusta ME 04333-0006  
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Fax: 207 287 3145  
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**From:** Downs, Michael E <[Michael.E.Downs@maine.gov](mailto:Michael.E.Downs@maine.gov)>  
**Sent:** Monday, July 13, 2020 10:51 AM  
**To:** Moncure, Halliday <[Halliday.Moncure@maine.gov](mailto:Halliday.Moncure@maine.gov)>  
**Cc:** Ray, Liz <[Liz.Ray@maine.gov](mailto:Liz.Ray@maine.gov)>; Baer, Julian <[Julian.Baer@maine.gov](mailto:Julian.Baer@maine.gov)>; Quinn, Thomas J <[Thomas.J.Quinn@maine.gov](mailto:Thomas.J.Quinn@maine.gov)>  
**Subject:** RE: ASPIRE 25P updated MAPAs for OAG review  
**Sensitivity:** Confidential

Good morning Halliday,

Thank you for your prompt response. We will consult and get back to you post haste.

Appreciatively,

Michael E. Downs  
Policy Senior Planner  
State of Maine  
Dept. Of Health and Human Services  
Office for Family Independence  
Ph (207) 624-4135  
Fx (207) 287-3455

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**From:** Moncure, Halliday <[Halliday.Moncure@maine.gov](mailto:Halliday.Moncure@maine.gov)>  
**Sent:** Monday, July 13, 2020 10:49 AM  
**To:** Downs, Michael E <[Michael.E.Downs@maine.gov](mailto:Michael.E.Downs@maine.gov)>  
**Cc:** Ray, Liz <[Liz.Ray@maine.gov](mailto:Liz.Ray@maine.gov)>; Baer, Julian <[Julian.Baer@maine.gov](mailto:Julian.Baer@maine.gov)>; Quinn, Thomas J <[Thomas.J.Quinn@maine.gov](mailto:Thomas.J.Quinn@maine.gov)>  
**Subject:** RE: ASPIRE 25P updated MAPAs for OAG review  
**Sensitivity:** Confidential

Hi Michael –

As noted below, this review is limited to the draft MAPA documents that you sent to me today, since another AAG (I assume Tom Quinn - ?) previously completed a pre-review.

**Fact Sheet** – please see my suggested edits in redline, attached.

1. Can you please confirm that this Fact Sheet contains all the substantive information that was included in the originally filed Fact Sheet (in terms of what this rulemaking does, financial impact, etc)?
2. Revise comment deadline to 5pm on 8/20/2020. Typically the comment deadline is the close of business on that date.
3. I removed reference to 5 MRS 8051-B because this is not consensus-based rulemaking. Rather, this is “typical” routine technical rulemaking where, during the comment period, 5 people have requested a public hearing per 8052(1).
4. Revise language to state that the Department extended the comment period. In other words, if the Department gets additional comments at the end of the week after it issues the revised IP notice, it will accept those comments (they do not have to be submitted on or after 7/22).

**MAPA 3** – please make changes consistent with the Amended Fact Sheet.

If these changes are made, I do not need to review the documents again. If you disagree and would like to discuss any of these suggestions, please let me know before finalizing and filing the documents.

Thank you.

Halliday

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**From:** Downs, Michael E <[Michael.E.Downs@maine.gov](mailto:Michael.E.Downs@maine.gov)>  
**Sent:** Monday, July 13, 2020 10:16 AM  
**To:** Moncure, Halliday <[Halliday.Moncure@maine.gov](mailto:Halliday.Moncure@maine.gov)>; Downs, Michael E <[Michael.E.Downs@maine.gov](mailto:Michael.E.Downs@maine.gov)>



**Cc:** Baer, Julian <[Julian.Baer@maine.gov](mailto:Julian.Baer@maine.gov)>; Ray, Liz <[Liz.Ray@maine.gov](mailto:Liz.Ray@maine.gov)>

**Subject:** ASPIRE 25P updated MAPAs for OAG review

**Sensitivity:** Confidential

Good morning Halliday,

Our plan is to broadcast the hearing via a Teams Live Event, and provide a call in number for people who would like to comment. Everyone on the event will be able to hear the commenter, but only the OFI presenters and the current commenter would be able to be heard.

We plan to deliver the documents to the SOS tomorrow (for publication on the 22<sup>nd</sup>), and to send the interested parties memo out later this week. The rule is already available for review on OFI's website.

As this rule has already passed pre-review, I did not want to encumber you with extraneous documents and have only included the ones with changes (Fact Sheet and MAPA 3). If there are others you would like as a reference point, please let me know.

Thank you,

Michael E. Downs  
Policy Senior Planner  
State of Maine  
Dept. Of Health and Human Services  
Office for Family Independence  
Ph (207) 624-4135  
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**10-144**

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**OFFICE FOR FAMILY INDEPENDENCE**

**CHAPTER 607**

**ASPIRE-TANF PROGRAM RULES**

**Effective November 6, 2001**

**Last Amended: XXXXX, 2020**

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**Table of Contents**

<b>Section Number</b>	<b>Title</b>	<b>Pages</b>
<b>Section 1</b>	Definitions	1-1 thru 1-6
<b>Section 2</b>	Authorization; Philosophy; Goals and Objectives, Administration	2-1 thru 2-6
	I. Authorization	2-1
	II. Philosophy	2-1 thru 2-2
	III. Goals and Objectives	2-2
	IV. Administration	2-3 thru 2-6
<b>Section 3</b>	Participation; Participant Performance Requirements Participant Satisfactory Progress; Program Performance Requirements; Scheduling Appointments	3-1 thru 3-8
	I. Participation	3-1
	II. Participants Performance Requirements	3-1 thru 3-4
	III. Participants' Satisfactory Progress	3-4 thru 3-5
	IV. Program Performance Requirements	3-5 thru 3-8
	V. Scheduling Procedures	3-8
<b>Section 4</b>	Confidentiality, Participants' Rights and Responsibilities, Good Cause; Fair Hearings, Sanctions, Intentional Program; Violations, Overpayment Procedures	4-1 thru 4-10
	I. Confidentiality	4-1 thru 4-3
	II. Participants' Rights and Responsibilities	4-3
	III. Good Cause	4-4 thru 4-6
	IV. Fair Hearings	4-7
	V. Sanctionable Acts	4-8
	VI. Sanctioning Procedures	4-9 thru 4-10
	VII. Overpayment Procedures	4-10
	VIII. Intentional Program Violation	4-11

<b>Section 5</b>	Work Evaluation	5-1 thru 5-5
	I. General Provisions	5-1
<b>Section 6</b>	Case Management	6-1 thru 6-2
	I. General Provisions	6-1
	II. Functions	6-1 thru 6-2
<b>Section 7</b>	Family Contract Amendment (FCA)	7-1 thru 7-2
	I. General Provisions	7-1
	II. Procedures	7-2
<b>Section 8</b>	Pre-Training	8-1 thru 8-2
	I. General Provision	8-1
	II. Pre-Training Activities and Procedures	8-1 thru 8-2
<b>Section 9</b>	Field Training	9-1 thru 9-3
	I. General Provisions	9-1 thru 9-2
	II. Field Training Procedures	9-2 thru 9-3
<b>Section 10</b>	Education and Training	10-1 thru 10-3
	I. General Provisions	10-1
	II. Types of Education	10-1
	III. Procedures	10-2 thru 10-3
<b>Section 11</b>	Work Activity Services	11-1 thru 11-3
	I. General Provisions	11-1 thru 11-2
	II. MaineServe	11-2
	III. Transitional Employment for Maine Parents (TEMP)	11-3
	IV. Providing Child Care Services to Enable Another Participant to Participate in Community Service,	11-3
<b>Section 12</b>	Job Search Activities	12-1 thru 12-3
	I. General Provisions	12-1

	II. Types of Job Search Activities	12-2 thru 12-3
<b>Section 13</b>	Employment	13-1 thru 13-8
	I. General Provisions	13-1
	II. Types of Employment Services	13-1
	III. Procedures	13-2 thru 13-5
	IV. Displaced Employee Grievances	13-6 thru 13-8
<b>Section 14</b>	Support Services and Payment Provisions for Services	14-1 thru 14-9
	I. General Provisions	14-1
	II. Support Service Benefits, Payment Provisions and Procedures	14-2 thru 14-8
	III. Employment Support Services	14-8
	IV. Promptness of Payment of Support Services	14-8
<b>Section 15</b>	Reduction of ASPIRE-TANF Services when Funding is Inadequate	15-1 thru 15-2
	I. General Provisions	15-1
	II. Service Reduction Due to Funding Inadequacy	15-1 thru 15-2
<b>Section 16</b>	Parents as Scholars Program	16-1 thru 16-5
	I. Authorization	16-1
	II. Philosophy	16-1
	III. General Provisions	16-1 thru 16-4
	IV. Administration	16-4 thru 16-5
<b>Section 17</b>	TANF Time Limit Extensions	17-1 thru 17-9
	I. General Provisions	17-1
	II. Pre-Termination Notice and Conference	17-1 thru 17-3
	III. Temporary Hardship Extensions	17-3 thru 17-8
	IV. Temporary Hardship Extension Granted	17-8 thru 17-9
	V. End of A Temporary Hardship Extension	17-9

---

	VI. Right to Appeal	17-9
<b>Section 18</b>	Working Cars for Working Families	18-1 thru 18-13
	I. Authorization and Scope	18-1
	II. Administration	18-1 thru 18-2
	III. Eligibility Determination Process	18-2 thru 18-4
	IV. Basic Eligibility Criteria	18-4 thru 18-8
	V. Assessment	18-8 thru 18-9
	VI. Participation and Continued Eligibility Requirements	18-9 thru 18-14
	VII. Termination and Appeal	18-14 thru 18-15

<b>INDEX</b>			
<b>Subject</b>	<b>Section</b>	<b>Subsection</b>	<b>Pages</b>
<b>A.</b>			
Adult entertainment	4	IX	4-10
apprenticeship	13	II.B.	13-1
ASPIRE-Plus	13	II.A.	13-1,2,3,4
assessment	5		5-1 thru 5
auto liability insurance	14	II.D.	14-5
auto repairs	14	II.C.	14-4
auto purchase program	18		18-1 thru 18-13
<b>B.</b>			
books and supplies	14	II.H.	14-5
<b>C.</b>			
case management	6		6-1,2
child care	14	II.A.	14-1 thru 3
clothing and uniforms	14	II.I.	14-6
confidentiality	4	I.	4-1, 2, 3
<b>D.</b>			
definitions	1		1-1 thru 6
dental care	14	II.F.	14-5
displaced employee grievances	13	IV.	13-6 thru 8
<b>E.</b>			
education and training	10		10-1 thru 3
education, procedures	10	III.A.-J.	10-2, 3
education, training expenses	14	II.G.	14-5
education, types of	10	II.A.-D.	10-1, 2
employment	13		13-1 thru 8
extensions	17	I-VI	17-1 thru 17-9

	<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>
	eye care	14	II.D.	14-5
<b>F.</b>	fair hearings	4	V.	4-6, 7
	family planning	8	E.2.a.	8-2
	Family Contract	2	IV.C.2.a.	2-5
		7	I.B., C.	7-1, 2
		7	II.A.-E.	7-2
		8	I.B.,C.,D.	8-1
		12	I.	12-1
		14	I.A.,B.,D.,F.	14-1 thru 14-9
		15	II.	15-1, 2
	fee-for-service agreements	14	II.L., M., N.	14-6, 7
	field training	9		9-1, 2, 3
	Fraud investigation and Recovery Unit (FIRU)	1		1-3
<b>G.</b>	Gambling facility	4	IX	4-10
	GED preparation and training	8	C.	8-2
	good cause	4	III.	4-4, 5
<b>H.</b>	high school diploma programs	8	B.	8-2
<b>I.</b>	Intentional Program Violation (IPV)	4	IX	4-10
<b>J.</b>	job readiness activities	8	E.	8-2
	job search	3		3-2, 4
		3		3-6, 7
		12		12-1, 2, 3
<b>K.</b>				
<b>L.</b>	life management skills	8	E.1.	8-2
	Liquor sales	4	IX	4-10
	<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>



<b>M.</b>			
MaineServe	3	IV.A.3.	3-6
		IV.B.2.	3-6
	11	I.A.-O.	11-1,2
		II.A.-C.	11-3
Matriculation	16		16-1
<b>N.</b>			
non-traditional employment	13	II.D.	13-2
		III.D.	13-6
<b>O.</b>			
occupational expenses	14	II.J.	14-6
on-the-job training (OJT/ASPIRE-Plus)	13	II.A.	13-1
		III.	13-2, 3,4
orientation	2		2-5, 6
	3		3-8
	5		5-1
	7		7-2
Overpayment Procedures	4	VIII.	4-9, 10
<b>P.</b>			
parenting education	8	E.2.C.	8-2
Parents as Scholars	16		16-1 thru 5
participant's performance requirements:			
Single Parent Household	3	II.A.	3-1, 2
Two Parent Household	3	II.B.	3-3, 4
Teen Parents	3	II.B.	3-2
participants' rights and responsibilities	4	II.	4-3, 4
participants' satisfactory progress	3	III.A.,B.	3-4, 5
participation	3	I.A.	3-1
payment of support services	14	IV.	14-8, 9

<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>
period of enrollment	2	IV.C.3.c.	2-6
	14	I.F.	14-1
	14	II.D.	14-4
	14	II.F.	14-5
	14	II.J.,K.	14-7
pre-training program:	8		8-1, 2
administration	2	IV.	2-3 thru 5
authorization	2	I.	2-2
goals and objectives	2	III.	2-3
performance requirements - single parent family	3	IV.	3-5, 6
performance requirements - two parent family	3	IV.	3-6, 7
<b>Q.</b>			
<b>R.</b>			
relocation costs	14	II.K.	14-6
remedial education	8	D.	8-2
responsibilities of:			
ASPIRE-TANF staff	2	IV.C.3.	2-5
OFI eligibility staff	2	IV.C.2.	2-4, 5
return of purchased goods	14	II.M.	14-7
<b>S.</b>			
sanctionable acts	4	VI.	4-8, 9
scheduling procedures	3	VI.	3-7, 3-8
self-employment	13		13-2
	13		13-4, 5
service delivery areas	15		15-1, 2
service reduction	15		15-1, 2
suitable employment	13	III.E.	13-5, 6
support services	14		14-1 thru 9

<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>
<b>T.</b>			
Transitional Employment for Maine Parents (TEMP)	11	I., III.	11-1, 2, 3
transportation	14	II.B.	14-3, 4
two parent family	3	II.C.	3-3, 4
<b>U.</b>			
<b>V.</b>			
<b>W.</b>			
work activities	1 3	IV.	1-5 3-5 thru 7
work activity services	11	11-1, 2, 3	
work evaluation	2 5 13	IV.C.3.b. I.A.	2-5 5-1 thru 5 13-1
work experience	3	IV.	3-5 thru 7
work readiness activities	8	II.E.2.	8-2
Working Cars for Working Families	18		18-1 thru 18-13
<b>X.</b>			
<b>Y.</b>			
<b>Z.</b>			

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 1: DEFINITIONS AND DESCRIPTIONS**

**I. Summary:** This section describes organizational units, programs, acronyms and significant terms pertaining to the ASPIRE-TANF program.

**II. DEFINITIONS**

Organizational units, programs, and their acronyms, and other significant terms pertaining to ASPIRE-TANF are defined below:

- A. Alternative Aid** — A voucher program which provides assistance to individuals who seek short-term assistance to obtain and/or retain employment pursuant to 22 M.R.S. § 3763(8). The intent of Alternative Aid is to assist families to remain self-supporting by providing vouchers to eligible families' worth to three months of TANF benefits.
- B. Alternative Education** — An educational program that embraces subject matter or teaching methodology that is not generally offered to students of the same age or grade level in traditional school settings.
- C. ASPIRE-Plus** — ASPIRE-Plus is an On-the-Job training program that provides an employer subsidy for up to 26 weeks, depending on the length of training time needed, of up to 50 percent of the hourly wage paid by the employer.
- D. ASPIRE-TANF** — "ASPIRE-TANF" stands for Additional Support for People in Retraining and Employment - Temporary Assistance for Needy Families. ASPIRE is the welfare employment and training program created by the Governor and the Maine Legislature in July 1988, to provide case management, education, training, support and employment services to help TANF recipients to find or create jobs in the local labor market.
- E. ASPIRE-TANF Unit** — A unit within the Department of Health and Human Services, Office for Family Independence, or an agent or contractor thereof, which provides ASPIRE-TANF services to TANF participants. These services include but are not limited to Assessment, prevocational activities, support services, Good Cause determination, case management and employment services.
- F. Assessment** — An individualized process designed to integrate the array of ASPIRE-TANF services with the educational and vocational needs, interests and abilities of each participant.
- G. Basic Literacy Level** — The capability to read and write at a level equivalent to an 8th or 9th grade level as demonstrated either by an educational achievement test; maintaining a grade point average of at least 2.0 at a post-secondary institution; or having passed the reading portion of a high school equivalency test.
- H. Case Management** — The process of identifying the needs of the participant and the participant's family, coordinating services appropriate to meet those needs, and monitoring the participant's progress through ASPIRE-TANF so the participant can gain the skills and support to obtain employment.

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- I. Child care, affordable\*** — Affordable child care arrangements are those for which the participant incurs no cost or is reimbursed by another program such as ASPIRE or through a deduction for child care from income by the TANF program or by any combination of these methods.
- J. Child care, appropriate\*** — Appropriate child care is affordable child care furnished by a child care provider, of the participant's choice, who has passed background checks as required by 22 M.R.S. §§ 8301-A and 8302-A.
- K. Child care, reasonable distance\*** — Reasonable distance means that the ASPIRE participant is required to commute no more than 15 additional miles between home and work activity in order to transport the child to the child care provider.
- L. Child care, unsuitability of informal care†** — Unsuitable child care is that provided by an individual who cannot pass a required background check or is unaffordable or would require the ASPIRE participant to travel an unreasonable distance.
- M. Component** — Education, training and employment activities approved by ASPIRE-TANF including — pre-training; educational activities through post-secondary level; job skills training; job readiness activities; group and individual job search; on-the-job training; and community work experience.
- N. Department of Health and Human Services (Department or DHHS)** — The agency authorized by Federal statutes to administer the ASPIRE-TANF program and other programs within the Office for Family Independence as well as its agents and contracted providers.
- O. Education** — Activities including remedial-education, high school or equivalency, and post-secondary certificate programs designed to prepare the participant for employment.
- P. Exempt from the Time Limit** — A month or months that do not count against a participant's 60-month time limit.
- Q. Exempt from Work Participation** — A TANF recipient who is not required to participate in ASPIRE-TANF in accordance with Federal or State regulations.
- R. Extension** — A one to six-month time period during which TANF benefits may be received, based on hardship, approved by the Department. An extension allows a household to receive benefits past its 60-month time limit, when the recipient is complying with program rules and meets all other TANF eligibility requirements.

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\* these definitions apply only to single parents with a child under age 6.

† these definitions apply only to single parents with a child under age 6.

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- S. Fair Hearing (also known as an Administrative Hearing)** — A hearing conducted before a Department of Health and Human Services hearings officer in which a participant has an opportunity to dispute a decision made by the Department. The hearings officer's decision is binding on all parties involved in the particular case.
- T. Family Contract** — A form signed by a representative of the Department and each TANF caretaker relative that states the responsibilities of the parties to the agreement, including but not limited to cooperation in child support enforcement and determination of paternity, and the requirements of program participation. The contract may also include referral to parenting activities and health care services where the need for such services has been established.
- U. Family Contract Amendment (FCA)** — The binding agreement ASPIRE participants enter into with the Department, ASPIRE Unit, pursuant to 22 M.R.S. § 3788 (4-A). In these agreements, specific action steps are listed that both the Department and the participant agree to perform. ASPIRE support services to be provided are listed in the FCA.
- V. Federal Department of Health and Human Services, Administration for Children and Families, Office of Family Assistance (HHS/ACF/OFA)** -- The federal agency that administers and regulates the TANF Program and other programs of the Department of Health and Human Services, Office for Family Independence, and provides block grant funds for these programs.
- W. Field Training** — A non-wage, time limited, training placement with a public, private non-profit or profit employer which enables the participant to explore a preliminary career decision, gain experience in the work world and/or improve specific job skills.
- X. Fraud, Investigation and Recovery Unit (FIRU)** — the unit in the Department responsible for investigating allegations of misuse, fraud, and over-payments. The unit also is responsible for seeking repayment when appropriate or referring the matter to the Attorney General's office for prosecution.
- Y. Food Supplement Employment and Training (FSET)** — The employment and training program administered under 10-144 C.M.R. Ch. 609, that provides case management, education, training, supports and employment services to help Food Supplement recipients find and keep jobs.
- Z. Gainful Employment** — Activities that a person can perform which are intended to provide an income and which are a source of consistent revenue for the worker, such as a steady job.
- AA. Good Cause** — Acceptable reasons, as determined by the Department of Health and Human Services, for a participant's failing or refusing to participate in ASPIRE-TANF or in a particular ASPIRE-TANF component.

(XXX , 2020)

1-4

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- BB. Higher Opportunity for Pathways to Employment (HOPE)** — The program administered under 22 M.R.S. § 3790-A, and 10-144 C.M.R. chapter 330, that provides support services such as child care and transportation and voluntary student navigation services to help low income students who are parents of minor children.
- CC. Intentional Program Violation (IPV)** — An IPV occurs when an individual has purposely misused “cash benefits” or other benefits, and/or misrepresented actual circumstances in order to receive benefits, and the individual would not have been eligible had the proper information been available at the time of application, redetermination of eligibility, or within ten days of the change in circumstances. An IPV will result in a referral to the Fraud, Investigation and Recovery Unit (FIRU) for further review and recovery.
- DD. Job Club** — A structured and supervised job search group which assists participants in their efforts to obtain and retain employment.
- EE. Job Development/Placement** — Specific actions by ASPIRE-TANF or a service provider in identifying subsidized and unsubsidized jobs, marketing participants based on their career goals for those jobs and securing job interviews for participants.
- FF. Job Readiness** — Pre-training activities focusing on life management skills, work maturity skills, work place expectations and work behavior and attitudes necessary to succeed in the labor market.
- GG. Job Search** — Counseling and pre-employment training on job-seeking skills either individually or in groups. The group "Job Club" is the preferred job search activity.
- HH. Job Skills Training** — Vocational training focusing on the required skills, knowledge and abilities of a specific occupation or business.
- II. MaineServe** — A community service program designed to provide parents who are eligible for TANF opportunities to serve their communities and the State in a manner that assists them in developing and renewing their skills in ways that may lead to employment that is sufficient to sustain their families.
- JJ. Matriculation** — For the Parents as Scholars Program, matriculation is defined as acceptance and enrollment into any two-year or four-year academic program in an institution of post-secondary education.
- KK. Net Loss of Cash income** — Net loss of cash income results if the family’s gross income, less necessary work-related expenses, is less than the TANF benefit and any other cash assistance the participant was receiving at the time the offer of employment is made.
- LL. Non-Compliance** — Failure of a mandatory ASPIRE recipient to sign or abide by the terms of the Family Contract Amendment without Good Cause, which will result in termination of benefits to the individual for the lesser of ninety (90) days or until the failure to comply ceases.

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- MM. Office for Family Independence (OFI)** — The organizational unit with the Department of Health and Human Services which administers the ASPIRE-TANF program. OFI also administers the following services: TANF, Food Supplement Benefits (SNAP), General Assistance, MaineCare, HOPE, Support Enforcement and Recovery, and Emergency Assistance.
- NN. On-the-Job Training (OJT)** — A means by which a participant is hired and trained in a specific occupation by a private or public employer who receives a partial reimbursement of wages paid for providing skills and training necessary to perform the job (See ASPIRE-Plus).
- OO. Order of Reference** — A document in which the Department's Commissioner gives specific instructions to the Office of Administrative Hearings regarding the issues to be addressed at hearing and the handling of a hearing request. These instructions may include, but are not limited to, an instruction that the Hearing Office issue recommended findings and a recommended decision with the authority to make the final findings and decision reserved to the Commissioner.
- PP. Parents as Scholars Program (PaS)** — A student aid program based on need for up to 2,000 participants, to aid needy students who have dependent children and who are matriculating in post-secondary undergraduate 2-year and 4-year degree-granting education programs.
- QQ. Participant** — A TANF recipient who is involved in ASPIRE-TANF activities or any individual receiving supports under one or more of the programs detailed in this Chapter.
- RR. Period of Enrollment** — The time frame from the opening of activity with the ASPIRE-TANF program, until participation with ASPIRE-TANF is ended.
- SS. Pre-Training** — Activities designed to prepare the participant for occupational skills training, post-secondary education and employment. Such activities include secondary education programs, job readiness activities, employment counseling, field training, self-employment evaluation, and referral to services to improve life-management skills.
- TT. Sanctions** — Actions taken by the Department of Health and Human Services as a result of a participant's failing or refusing to participate in ASPIRE-TANF without Good Cause. These actions generally cause a reduction in TANF and Food Supplement benefits for a specified time period for participants who are not exempt, and a loss of services for a specified time for voluntary participants.
- UU. Satisfactory Progress** — The requirement that a participant meet standards of performance imposed by an educational or training institution and by ASPIRE-TANF while participating in an education or training activity.
- VV. Support Services** — Services such as child care, transportation, eye and dental care, which enable the participant to complete the Family Contract Amendment and take employment.
- WW. TANF Recipient** — An individual whose family's financial needs are met in part with TANF payments in accordance with the Maine Public Assistance Manual.



(XXX , 2020)

1-6

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- XX. TANF Single Parent Family** — A TANF family which receives benefits under the program authorized in the Federal Social Security Act, as amended by the *Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996*, and the *Deficit Reduction Act (DRA) of 2005*, whose children are deprived of parental support or care by reasons other than the underemployment of the parent who is the principal wage earner, or the incapacity of a parent.
- YY. TANF Two Parent Family** — A TANF family which receives benefits under the program authorized in the Federal Social Security Act, as amended by the *Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996*, and the *Deficit Reduction Act (DRA) of 2005*, whose children are deprived of parental support or care either by reason of the underemployment of the parent who is the principal wage earner, or by reason of incapacity of a parent.
- ZZ. Time Limit** — The limit of 60 months during which a family may receive TANF assistance in the absence of the family qualifying for a time limit exemption or extension.
- AAA. Training and Work Site Agreement** — An agreement which is included as part of the Family Contract Amendment and which stipulates specific performance requirements for a participant enrolled in education, training and/or work experience.
- BBB. Transitional Employment for Maine Parents (TEMP)** — a volunteer work experience position.
- CCC. UP** — Unemployed Parent refers to the cases where TANF eligibility is based on the unemployment or under-employment of one of the parents in the household.
- DDD. Up-front Job Search** — Newly-granted TANF recipients who are considered job-ready, and who are eligible for TANF based on unemployment of the primary wage earner or single parent recipients whose children are 5 years of age or older, may participate in individual or group job search activities during the work evaluation phase of involvement with ASPIRE-TANF.
- EEE. Voluntary Participant** — A TANF recipient who is not required to participate, by Federal or State regulations but chooses to enroll in ASPIRE-TANF.
- FFF. Work Activities** — Work activities are those activities that are allowable under PRWORA (Sec. 407, (d)), and are listed in this manual in Section 3 (IV)(A)(3) and (IV)(B)(2).
- GGG. Work Eligible Individual (WEI)** — An adult, or a minor child, who is a head of household, receiving assistance under TANF or a separate State program, who is not otherwise exempted from meeting a work requirement.
- HHH. Work Evaluation** — Consists of all activities related to Assessment, employability plan development and initial amendment to the Family Contract Amendment. Work evaluation is limited to a maximum of 90 days, unless extended by the Commissioner (or the designee of the Commissioner).

(XXX , 2020)

1-7

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- III. Work Experience** — This is a generic term used to describe a variety of experiential activities (such as TEMP, On-the-Job Training, Community Service, etc.) that lead to, or include, employment.
- JJJ. Work Readiness Activities** — These activities include job shadowing, job coaching, mentoring, situational assessment, and any other activity that will encourage obtaining or retaining employment.
- KKK. Working Cars for Working Families** — Transportation assistance program initiated by 22 M.R.S. § 3769-F, which assists participants in obtaining and maintaining sustainable employment by providing them with access to reliable, affordable transportation. This program is designed to be an employment support and to comply with applicable federal TANF regulations.

**END OF SECTION**

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 18: WORKING CARS FOR WORKING FAMILIES**

**SUMMARY:** This section describes the Working Cars for Working Families Program (referred to in this Section as “the Program”), which is created to provide transportation for low-income individuals to obtain and retain sustainable employment. This Section establishes the Program, sets out eligibility and ongoing participation criteria, and describes the application and decision-making processes.

**I. AUTHORIZATION AND SCOPE**

The Department is required to operate the Working Cars for Working Families Program by 22 M.R.S. § 3769-F. This requirement expires as of July 1, 2022. Pending the availability of funding and other resources, the Department may continue to operate the program. The purpose of the Program is to assist participants in obtaining and maintaining sustainable employment by providing them with access to reliable, affordable transportation.

**II. ADMINISTRATION**

- A. General — Subject to the availability of funds, the Department shall administer the Working Cars for Working Families Program in accordance with this Section, once operational infrastructure is complete, which may occur after the adoption date of this rule. The Program shall provide transportation solutions to eligible program participants, pursuant to the most effective and efficient way to achieve that goal with the limited resources and time period provided under statute.
- B. Services — The Program will include different transportation options. Such options may include, without limitation—
1. furnishing purchased or donated vehicles to participants;
  2. coordinating public or private transportation;
  3. facilitating car shares among participants;
  4. ride or shuttle service; or
  5. providing driver instruction or education.

These rules include some provisions that expressly apply only to certain such options. Which options shall be afforded to any individual will be based on the availability of the option, the suitability of that option to solve the particular individual’s barrier to sustainable employment, and the desire of the individual to accept that option.

C. Definitions –

1. Sustainable employment — employment that leads or is expected to lead to a family ending its financial need for cash assistance, including TANF, PaS, and Alternative Aid.

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

“Employment” within the meaning of this Section does not include self-employment or any form of employment that involves a subsidy to the employer.

2. Earned income — Cash or in-kind benefits received as payment for work performed either as an employee, through the receipt of wages, salaries, tips, or commissions. Earned income does not include income from self-employment or income from employment that involves a subsidy to the employer.
- D. Funding Contingencies -- Pursuant to authorizing statute, funding for the Working Cars for Working Families Program is limited to \$6,000,000 allocated from the federal TANF block grant accrued prior to state fiscal year 2017-2018. If the Department finds that its continued administration of the Program will or is reasonably likely to exhaust that funding before June 30, 2022, it will follow the procedures in this subsection to minimize the impact on program participants.
1. If funding allows, the Department shall stop accepting or processing new applications or Transportation Program Agreements (see Subsection VII), and shall continue to honor all current, signed Agreements to their completion date.
  2. If funding is not sufficient to maintain current programming as described in subparagraph 1, the Department shall reduce specific transportation services and/or the frequencies with which such services are provided, giving at least 14 days’ notice to affected program participants. The Department shall effectuate reductions and eliminations under this subsection across the board to all participants, not make case-by-case elimination or reduction decisions.
  3. If funding is not sufficient to maintain current programming as provided in subparagraph 1 or to equitably reduce or eliminate programming as provided in subparagraph 2, the Department shall terminate all Transportation Program Agreements and end all services, providing at least 14 days’ notice to program participants.
  4. The Department will notify program participants of reductions or program termination no less than 14 calendar days in advance of the reduction or termination of service.
  5. Categorically applicable denials, reductions, and service terminations based on funding limitations are not subject to administrative appeal.

### **III. ELIGIBILITY DETERMINATION PROCESS**

- A. General -- The Department shall determine program eligibility and enrollment as follows:
1. The Department shall determine whether an application meets the financial and nonfinancial program eligibility criteria set out in Subsection IV;
  2. If the Department finds that an application meets the eligibility criteria, it will notify the applicant, and schedule and conduct an in-person assessment with the applicant, in accordance with Subsection V (Assessments may be conducted through a virtual meeting

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

platform, rather than in-person, under extraordinary circumstances such as a public health emergency.); and

3. If the Department determines an individual eligible for this program per the financial and non-financial criteria detailed in this Section, it shall determine whether there are available Program resources that would remedy the applicant's transportation barriers to employment.
- B. Application -- To facilitate the process described in Subsection IV (A), the Department shall develop a uniform application for the Program, which will allow the Department to evaluate an applicant's eligibility under Subsection V. The application will also include a list of potential transportation services, from which the applicant may indicate the specific service(s) sought. Applicants may submit completed applications at any of the Department's regional offices or at statewide offices where ASPIRE services are provided. The application date will be the date a valid application is received. To be considered valid, the application must include the minimum information necessary to make an eligibility determination as detailed in IV below. If an incomplete application is received, but it contains contact information, the Department will take steps to aid in its completion.
- C. Enrollment -- The Department shall determine whether an applicant is eligible to receive Program services—and if so, what available services to provide—based on the following:
1. The Department's review of the applicant's eligibility under the Basic Eligibility Criteria in Subsection V, including the applicant's timely production of any necessary or requested verifications that confirm such eligibility;
  2. The applicant's timely compliance with requests for verification and attendance at the scheduled assessment;
  3. The Department's review of the applicant's transportation needs, employment situation, and suitability for the Program, in accordance with Subsections V and VI; and
  4. The availability of Program resources, and non-program alternatives, that will reasonably address the applicant's Transportation Need as defined by IV(B) below.

If in its evaluation of factors 1-4, the Department determines that participation in the Program is appropriate, it will notify the applicant in accordance with Subsection IV (D). Program enrollment and service delivery shall not occur until the qualified applicant has executed a Transportation Program Agreement under Subsection VII (A).

- D. Decision — Within 30 days of receiving a complete application, the Department will issue a written determination of eligibility at the conclusion of its evaluation. If the applicant is not deemed eligible and qualified for the program pursuant to Subsections V or VI, or if the Department determines that the applicant will receive a transportation service that is not the applicant's first preference, then the notice will identify the reason(s) for the denial or for the particular service selection. The decision will be provided to the applicant within 30 calendar days of the date the Department receives the completed written application, provided the

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

applicant has replied to requests for verifications in a timely manner and completed the scheduled assessment. The notice of decision will include information on appeal rights.

- E. Waitlist -- If the transportation service that an eligible individual requires is not immediately available, the Department will maintain a waitlist that will include the individual's contact information, affirmative eligibility determination, and service request. When the service becomes available, the applicant will be contacted by their preferred method of contact that the individual stated during their Assessment (e.g., telephone, text, email, written postal mail). If contact is not made that same day, a letter will also be sent. The individual will have five calendar days from the date contact is attempted to accept the support. If they do not accept the support within the five days, they will have ten calendar days from the date contact is attempted to contact the department schedule another assessment. If they do not contact the Department within the ten days, they will be dropped from the waitlist.

#### **IV. BASIC ELIGIBILITY CRITERIA**

- A. Financial Eligibility -- Applicants must meet one of the following financial eligibility requirements to receive transportation services as part of the Program:
1. As of the date of application, the applicant must be an included member of an open case in Maine for, and be receiving, federally-funded TANF or TANF-PaS; or
  2. The applicant's filing unit (within the meaning of 10-144 C.M.R. Ch. 331, the Maine Public Assistance Manual, Chapter II, and 22 M.R.S. § 3763(8)) must have gross income at or below the gross income standard applicable to Alternative Aid applicants, pursuant to the Maine Public Assistance Manual, Chapter IX.
- B. Transportation Need -- To be eligible for the Program, applicants must demonstrate that adequate reliable transportation is their primary barrier to obtaining or retaining sustainable employment. In assessing this need, the Department may require an applicant to make a written statement as part of the application, explaining the applicant's transportation limitations and how they impact job prospects. Determining whether an applicant meets this eligibility criterion will require the Department to consider the facts and circumstances of each individual applicant. At a minimum, the applicant shall provide details concerning, and the Department shall consider, the following:
1. Employment Circumstances -- The applicant must have a reasonable likelihood of obtaining or retaining sustainable employment by participating in the Program. An applicant may meet this requirement by showing the following, or making a similar showing:
    - a. The applicant is actively working thirty (30) or more hours per week, resulting in weekly earned income equal to or in excess of the State of Maine's minimum wage;
    - b. The applicant has a job offer, or offers, that would combine for thirty (30) hours average weekly employment, resulting in earned income equal to or in excess of the State of Maine's minimum wage;

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- c. The applicant has at least one pending job application for a position the applicant is qualified for and prepared to accept, within an hour commute of the applicant's residence;
  - d. Within the last thirty (30) days there have been, or there currently are, at least three posted positions, for which the applicant is qualified and that they would have applied to but for transportation limitations, within an hour commute of the applicant's residence; or
  - e. Within thirty (30) days of Program application the applicant will receive a credential, certification, degree or other similar qualification that will enable the applicant to apply for and accept employment within a field that has had in the last thirty (30) days at least three posted positions within an hour commute of the applicant's residence for which the applicant will be qualified upon receipt of the new credential.
2. Transportation Limitations. An applicant will be eligible for the Program only if they do not have access to sufficient transportation to maintain or obtain sustainable employment. An applicant is **not** eligible for the Program, if—
- a. They own a vehicle in reliable running condition. The Department will verify ownership, or lack thereof, by searching for active registration with the State of Maine, Bureau of Motor Vehicles (BMV) and with the BMV or any like agency of any other state where the applicant lived within 12 months of applying. If the applicant contends that their vehicle is not in reliable running condition, the Department will require a written statement from a State of Maine licensed vehicle inspection station;
  - b. Another member of the applicant's TANF household or filing unit owns a vehicle in reliable running condition and does not use the vehicle for work or child care that conflicts with the applicant's actual or anticipated employment schedule. The Department will verify ownership, or lack thereof, by searching for active registration with the State of Maine, Bureau of Motor Vehicles (BMV) and with the BMV or any like agency of any other state where the individual lived within 12 months of applying. If the applicant contends that the household vehicle is not in reliable running condition, the Department will require a written statement from a State of Maine licensed vehicle inspection station;
  - c. Available public transportation can reliably and consistently accommodate the applicant's actual or anticipated schedule of employment hours and child-care-provider-required pick up and drop off times, with an average commute time of no longer than one (1) hour each way; or
  - d. They have consistent access to any other form of reliable transportation that does not limit the applicant's ability to accept new employment, increase hours, change their work schedule, or meet child care needs.

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

C. Additional Nonfinancial Requirements—

1. Applicants must meet all of the non-financial eligibility criteria for federally-funded TANF benefits described in Maine Title 10-144 C.M.R. Ch. 331 chapter II with the following exceptions:

- a. Establishing Paternity and Assignment of Rights to Support;
- b. ASPIRE-TANF.

NOTE: This exception does not waive any requirements to participate with ASPIRE based on participation in other TANF-funded programs.

2. No applicant is eligible to participate in the Program if at the time of application or subsequent to the application—
  - a. The applicant or another member of the applicant's TANF filing unit has received three (3) or more Department sanctions including from, without limitation—ASPIRE, Division of Support Enforcement and Recovery (DSER), and Quality Control (QC) in the last twenty-four (24) calendar months; or
  - b. The applicant or another member of the applicant's TANF filing unit has had an Intentional Program Violation (IPV) for any needs-based benefit program in Maine, or any other state within the United States.
3. Applicants who are mandatory ASPIRE Program participants must meet the following conditions:
  - a. Be in compliance with the terms of their Family Contract Amendment;
  - b. Not have a current sanction for failing to comply with the ASPIRE Program;
  - c. Not be exempt from ASPIRE work participation requirements. This limitation includes federally allowed exemptions of caring for a disabled family member, or caring for a child under the age of one (1); and
  - d. One of the following:
    - i. Have been successfully meeting the ASPIRE work participation requirements without need for good cause for each of the previous three months, or since beginning participation with ASPIRE, whichever is shorter; or
    - ii. Have had employment of an average of thirty (30) hours per week resulting in weekly earned income equal to or in excess of the State of Maine's minimum wage for each of the previous three months, or since beginning participation with ASPIRE, whichever is shorter; or



**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- iii. During the relevant period, have attended full time (as defined by the institution) college courses that resulted in an Associate's or Bachelor's Degree, or attended a training or education course(s) for an average of thirty (30) hours per week that resulted in a work credential.
4. Individuals who are not mandatory ASPIRE Program participants must meet the following conditions:
    - a. Qualify as a member of a TANF filing unit, in which a qualifying specified relative is maintaining a home for a child under the age of eighteen (18), or who is eighteen (18) and attending school full time. The provisions of the Maine Public Assistance Manual, Chapter II, apply to determine whether an applicant meets the qualifications under this subsection;
    - b. Be actively working thirty (30) or more hours per week, resulting in weekly earned income equal to or in excess of the State of Maine's minimum wage before receiving any transportation service under the Program; and
    - c. Attend a Program orientation and comply with all requirements associated therewith before receiving any transportation service under the Program.
- D. Additional Eligibility Criteria for Vehicle Access—Applicants requesting to receive access to a vehicle through the Program must meet additional eligibility requirements to receive the service. Applicants otherwise meeting the eligibility criteria in this section may receive other transportation services available through the Program until satisfying the following criteria:
1. Have a current valid driver's license in any state in the United States;
  2. Be at least twenty-one (21) years of age;
  3. Demonstrate the ability to responsibly own and maintain a vehicle. This demonstration includes completion of each of the following courses prior to vehicle delivery, if courses are available online or within a reasonable distance from the applicant's residence:
    - a. Driver safety course (Maine Driving Dynamics);
    - b. Vehicle ownership orientation; and
    - c. Vehicle ownership course including financial preparation.
  4. Not have been convicted of any of the following offenses, as determined by self-attestation and a background check:
    - a. Operating Under the Influence (OUI), Driving Under the Influence (DUI) or Driving While Intoxicated (DWI) in the past ten (10) years;
    - b. More than two (2) moving violations or at-fault accidents in the past five (5) years;

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- c. Any moving violation in the six (6) months immediately preceding Program enrollment; or
  - d. Any crimes of violence leading to bodily injury of another.
5. Make a down payment to the Department in the amount equivalent to three (3) monthly premium payments, as provided in Subsection VII (C)(2). This payment may be made in no more than three (3) installments, over no more than three (3) months, and may not be waived. Participants may not receive ASPIRE, FSET, or HOPE support services to cover the down payment.
- E. Verifications -- Except where otherwise specified, above, and unless the Department can obtain verification through its own records or the records of its agents, the Department shall require written or third-party verification of any factor impacting Program eligibility. Failure to respond to requested verifications within ten (10) business days may result in a denial.

**V. ASSESSMENT**

- A. General -- As part of the determination of Program eligibility, the Department will conduct an assessment of the applicant to evaluate the applicant's qualifications, particularly with regard to their transportation need, as set out in Subsection V(B). Provided that all eligibility criteria are satisfied, the assessment will also evaluate available transportation service options to determine the option best suited to an applicant's particular situation. The Department may determine, as a result of the assessment, that the applicant may receive program services that are different from the applicant's initial request.
- B. Format and Scheduling -- The assessment will be scheduled verbally or by a written scheduling notice and shall be conducted in person between the applicant and the Department. (Assessments may be conducted through a virtual meeting platform, rather than in-person, under extraordinary circumstances such as a public health emergency.) Failure to complete a scheduled assessment without providing 24 hours of advance notice and rescheduling at a mutually agreed time no more than one week after the original date may result in a denial. If it has appropriate information at the time, the Department may verbally notify the applicant at the time of the assessment that they are eligible for the Program and suitable for an available option. If such a determination is appropriate, the Department and the applicant shall execute a Transportation Program Agreement at that time, and the Department may begin providing Program services immediately, as appropriate. If the Department makes such a determination at the time of the assessment, and the applicant executes a Transportation Program Agreement, the applicant may, at their sole option, elect not to receive a separate written decision about Program eligibility under Subsection IV (D).
- C. The Department shall discuss the following with the applicant during the Assessment:
- 1. Any information in or missing from the application that is relevant to eligibility criteria set out in Subsection V;

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

2. Any information in or missing from requested verifications;
3. The applicant's current employment status, including details concerning earnings and scheduled work hours;
4. The applicant's employment history from the past twenty-four (24) months, to include self-employment and subsidized employment;
5. Transportation resources currently available to the applicant;
6. The applicant's method of transportation used in the past twelve (12) months;
7. The applicant's current or anticipated travel route to child care and employment;
8. Details of any vehicles owned or registered to the individual to include, but not limited to, outstanding loans, year, make, model, mileage, condition, current status of title, registration, inspection, liens, and insurance;
9. Driving background to include a review of a background check which shall include searches of the State Bureau of Investigation (SBI) and Maine's Bureau of Motor Vehicles (BMV) records;
10. Any other matter that impacts the applicant's Program eligibility or suitability for a service or set of services; and
11. Information on the applicant's preferred method of contact.

**VI. PARTICIPATION AND CONTINUED ELIGIBILITY REQUIREMENTS**

- A. Program Agreement -- Prior to receiving any services under the Program, and before any changes to services can take effect for ongoing cases, participants must execute with the Department a Transportation Program Agreement (Agreement).
  1. Form and Duration -- The Agreement must be reviewed and renewed no less often than once every six months, or whenever there is a material change in a participant's employment or transportation circumstances.
  2. Effect -- The participant shall comply with the terms of their Agreement, and failure to do so may result in termination of enrollment, per Subsection VIII, a Program overpayment, per the Maine Public Assistance Manual, Chapter VI, and/or an Intentional Program Violation (IPV), per the Maine Public Assistance Manual, Chapter VI.
  3. Content -- Each Agreement shall be tailored to the facts and circumstances of the Program participant. In addition, all Agreements must include the following:
    - a. An attestation by the participant that they do not have sufficient access to reliable transportation to allow the them to retain or obtain sustainable employment;

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- b. A commitment that the participant will report to the Department immediately if they determine that they cannot meet the requirements of the program;
  - c. A commitment that, once enrolled in the program, the participant will not voluntarily reduce hours of employment below the average of 30 hours per week;
  - d. A commitment that the participant will report changes of employment circumstances (including without limitation -- employer, hours, schedule, and earnings), the availability of alternative transportation options, and contact information to the Department within ten days of their becoming aware of the change;
  - e. A commitment that the participant will attend in-person meetings with the Program as scheduled, and no less often than once a month during the first six months of program participation (These meetings may be conducted through a virtual meeting platform, rather than in-person, under extraordinary circumstances such as a public health emergency.); and
  - f. A commitment that the participant will not engage in disruptive conduct during any program-coordinated transportation service.
  - g. A commitment by the Department to provide transportation services so long as the participant abides by the agreement, meets all other eligibility requirements and such services are at the Department's disposal.
4. Content Specific to Vehicle Access Services -- Prior to receiving such service under the Program, participants eligible for and seeking to gain access to a vehicle under the Program must execute an Agreement that, in addition to the provisions specified in Subsection VII (A)(3), includes—
- a. A commitment to use the vehicle primarily for purposes of commuting to and from work;
  - b. A commitment not to sell or trade the vehicle during Program participation, without prior authorization in writing from the Director of the Office for Family Independence or their designee;
  - c. A commitment not to allow other members of the household to drive the vehicle;
  - d. A commitment not to use the vehicle for income producing transportation services or for transportation services which result in mileage reimbursement for transporting others;
  - e. A commitment to operating the vehicle in compliance with all applicable traffic and parking laws;
  - f. A commitment not to operate the vehicle under the influence of alcohol, illegal drugs, or prescription drugs that impair a person's ability to operate motor vehicles;

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- g. A commitment not to consume alcohol, illegal drugs, or prescription drugs that impair a person's ability to operate motor vehicles while in the vehicle, whether or not the vehicle is running;
  - h. A commitment to report any accidents, thefts, or similar types of incidents involving the vehicle to law enforcement immediately;
  - i. A commitment to protect the vehicle from theft and vandalism by locking the vehicle and parking in well-lit areas, to the extent possible;
  - j. A commitment to conduct routine maintenance on the vehicle as necessary, including but not limited to, regular cleaning of the interior and exterior of the vehicle, oil changes, and maintaining fluid levels;
  - k. A commitment not to operate the vehicle when it is in an unsafe condition or in need of repairs, to report such a condition to the Department immediately, and to cooperate with the Department in arranging for necessary repairs;
  - l. A commitment not to use the vehicle for any illegal activities;
  - m. A commitment to make monthly premium payments timely and in-full, as described in Subsection VII (C);
  - n. Subject to Subsection VII (C)(1), a commitment to timely cooperate with and assist the Department in—
    - i. maintaining active, current registration for the vehicle,
    - ii. maintaining active, current insurance on the vehicle,
    - iii. ensuring the vehicle timely passes state inspection, and
    - iv. ensuring all applicable taxes on the vehicle are paid; and
  - o. A commitment to immediately return the vehicle to the Department upon demand, for failure to comply with the terms of the Agreement or the rules of the Program, including transferring title to the Department where applicable.
- B. Annual Review -- No less often than once every 12 months following initial Program Enrollment, a participant will attest to the Department and confirm with verifications as requested by the Department that --
- 1. Without regard to how the participant initially gained financial eligibility into the Program, the gross income of the participant's filing unit (within the meaning of the Maine Public Assistance Manual, Chapter II) is less than or equal to 250 percent of the federal poverty level;

1 (XXX, 2020)

18-12

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

2. Transportation would be a primary obstacle to retaining sustainable employment if the participant withdrew from the Program; and
  3. The participant continues to meet all applicable nonfinancial eligibility requirements set out in Subsection V (C) and (D).
- C. Changes between reviews — The Department shall connect with the participants, verbally or in writing, three, six, and nine, and each subsequent 12 months from the date of the start of the Participant's eligibility determination in order to:
1. Ensure compliance with vehicle maintenance requirements as outlined in the TPA;
  2. Verify continued employment; and
  3. Refer the Participant to new transportation resources as needed.
- D. Additional Vehicle Access Provisions --
1. To the extent reasonably practicable, the Department shall transfer title to all vehicles provided to program participants within 30 calendar days of vehicle distribution. Prior to transferring title, in addition to determining that the participant has met all relevant eligibility criteria, the Department must—
    - a. Determine that, without assistance from the Department, the participant is financially able to pay all expenses associated with owning the vehicle including, without limitation, expenses associated with the provisions of Subsection VII (C)(1)(b), below; and
    - b. Require the participant, as an additional provision of the Agreement, to—
      - i. maintain active, current registration for the vehicle,
      - ii. maintain active, current insurance on the vehicle,
      - iii. ensure that the vehicle timely passes state inspection, and
      - iv. ensure that all applicable taxes on the vehicle are paid.
  2. Monthly Premiums -- Notwithstanding title to the vehicle, participants must pay to the Department a premium of \$100 by the 15<sup>th</sup> day of each calendar month in order to maintain access to such vehicle under the Program.
    - a. If a participant's filing unit (within the meaning of the Maine Public Assistance Manual, Chapter II) has income greater than 200 percent of the federal poverty level, the participant's monthly premium will be \$150.

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- b. A participant's first failure to make a timely monthly premium payment will result in an overpayment in the amount of the premium due and an official warning issued by letter. A second failure to make a timely premium payment will result in an overpayment in the amount of the missed premiums and an obligation to return the vehicle to the Department, per the Agreement.
- c. Temporary Waiver -- For no more than one month at a time, the Department may waive the monthly premium and any penalty for failure to make a payment thereof, upon a participant's written or oral request and verification prior to the payment due date that—
  - i. the filing unit's income has fallen below 100 percent of the federal poverty level; or
  - ii. the participant is experiencing a crisis or extreme hardship, as determined by the Director of the Office for Family Independence or their designee.

Without regard to this Subsection, if a participant cannot pay the premium for more than two months in a row or three months in a 12 month period, the Department will conduct a new assessment and reassign the participant to a more suitable transportation option, if one is available.

- d. Participants may not receive ASPIRE, FSET, or HOPE support services to cover the premium.
- 3. Program Graduation -- After a participant has made a total of 24 monthly premium payments, in addition to the down payment, participation in the program and obligations under the Agreement will end, and the participant will retain ownership of the vehicle without continuing premium payment obligations. The Department shall notify participants in writing at the time of such graduation.
  - 4. The Department shall pursue an intentional program violation (IPV) when a participant has knowingly failed to return the vehicle upon the Department's demand or has sold or traded the vehicle during Program participation without prior authorization in writing from the Director of the Office for Family Independence or their designee. The dollar amount of any overpayment associated with such an IPV will be calculated as follows —
    - a. All down payments and premium payments made toward the vehicle shall be added together;
    - b. That sum shall be reduced by the total of all maintenance costs paid by the Department for the vehicle. If this reduction results in a negative figure, it will be treated as a zero.
    - c. This difference shall be subtracted from the NADA clean retail value at the date the vehicle was transferred to the participant.

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- d. This difference shall the amount of the overpayment.

**VII. TERMINATION AND APPEAL**

- A. Early Termination of Services -- Program services to a participant shall be terminated when one of the following occurs:

1. The participant no longer meets all applicable program eligibility requirements set out in Subsection V; or
2. The participant fails to comply with a provision in their Agreement.

A participant shall not be terminated from the program due to failure to comply with their Agreement if the noncompliance concerns employment, and the participant demonstrates either --

- a. That the participant was terminated or had hours reduced through no fault of the participant; or
- b. The noncompliance was due to a medical condition or illness of the participant or a dependent who requires full time care. This noncompliance must last no more than two (2) calendar weeks. The medical condition or illness must be verified by a medical provider approved by the Department.

- B. Appeal Rights -- A participant who disputes an application decision or a program decision, including a decision on a selection, reduction, or termination of transportation services; a denial of a monthly premium temporary waiver; or an overpayment; has the right to an administrative hearing, provided the request for the hearing is made timely. Department staff will complete the hearing request on behalf of the participant and file it with the Administrative Hearings Unit. See 10-144 C.M.R. Ch. 331, Maine Public Assistance Manual (TANF) Chapter VI, for additional information on Fair Hearings and Administrative Hearings and Intentional Program Violations.

1. The request for an administrative hearing must be made within thirty (30) calendar days of the issuance of the notice of action which is disputed. If the disputed decision involves the suspension or termination of transportation services which have previously been provided, and the participant requests an administrative hearing within ten (10) days of the notice, transportation services will continue pending the outcome of the administrative hearing.
2. The hearing will be conducted in accordance with the rights and procedures set forth in 10-144 C.M.R. Ch. 1 *et seq.*

**END OF SECTION**



**10-144**

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**OFFICE FOR FAMILY INDEPENDENCE**

**CHAPTER 607**

**ASPIRE-TANF PROGRAM RULES**

**Effective November 6, 2001**

**Last Amended: ~~December 2017~~ XXXXX, 2020**

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**Table of Contents**

<b>Section Number</b>	<b>Title</b>	<b>Pages</b>
<b>Section 1</b>	Definitions	1-1 thru 1-6
<b>Section 2</b>	Authorization; Philosophy; Goals and Objectives, Administration	2-1 thru 2-6
	<u>I. Authorization</u>	<u>2-1</u>
	<u>II. Philosophy</u>	<u>2-1 thru 2-2</u>
	<u>III. Goals and Objectives</u>	<u>2-2</u>
	<u>IV. Administration</u>	<u>2-3 thru 2-6</u>
<b>Section 3</b>	Participation; Participant Performance Requirements Participant Satisfactory Progress; Program Performance Requirements; Scheduling Appointments	3-1 thru 3-8
	<u>I. Participation</u>	<u>3-1</u>
	<u>II. Participants Performance Requirements</u>	<u>3-1 thru 3-4</u>
	<u>III. Participants' Satisfactory Progress</u>	<u>3-4 thru 3-5</u>
	<u>IV. Program Performance Requirements</u>	<u>3-5 thru 3-8</u>
	<u>V. Scheduling Procedures</u>	<u>3-8</u>
<b>Section 4</b>	Confidentiality, Participants' Rights and Responsibilities, Good Cause; Fair Hearings, Sanctions, Intentional Program; Violations, Overpayment Procedures	4-1 thru 4-10
	<u>I. Confidentiality</u>	<u>4-1 thru 4-3</u>
	<u>II. Participants' Rights and Responsibilities</u>	<u>4-3</u>
	<u>III. Good Cause</u>	<u>4-4 thru 4-6</u>
	<u>IV. Fair Hearings</u>	<u>4-7</u>
	<u>V. Sanctionable Acts</u>	<u>4-8</u>
	<u>VI. Sanctioning Procedures</u>	<u>4-9 thru 4-10</u>
	<u>VII. Overpayment Procedures</u>	<u>4-10</u>
	<u>VIII. Intentional Program Violation</u>	<u>4-11</u>

<b>Section 5</b>	Work Evaluation	5-1 thru 5-5
	<u>I. General Provisions</u>	<u>5-1</u>
<b>Section 6</b>	Case Management	6-1 thru 6-2
	<u>I. General Provisions</u>	<u>6-1</u>
	<u>II. Functions</u>	<u>6-1 thru 6-2</u>
<b>Section 7</b>	Family Contract Amendment (FCA)	7-1 thru 7-2
	<u>I. General Provisions</u>	<u>7-1</u>
	<u>II. Procedures</u>	<u>7-2</u>
<b>Section 8</b>	Pre-Training	8-1 thru 8-2
	<u>I. General Provision</u>	<u>8-1</u>
	<u>II. Pre-Training Activities and Procedures</u>	<u>8-1 thru 8-2</u>
<b>Section 9</b>	Field Training	9-1 thru 9-3
	<u>I. General Provisions</u>	<u>9-1 thru 9-2</u>
	<u>II. Field Training Procedures</u>	<u>9-2 thru 9-3</u>
<b>Section 10</b>	Education and Training	10-1 thru 10-3
	<u>I. General Provisions</u>	<u>10-1</u>
	<u>II. Types of Education</u>	<u>10-1</u>
	<u>III. Procedures</u>	<u>10-2 thru 10-3</u>
<b>Section 11</b>	Work Activity Services	11-1 thru 11-3
	<u>I. General Provisions</u>	<u>11-1 thru 11-2</u>
	<u>II. MaineServe</u>	<u>11-2</u>
	<u>III. Transitional Employment for Maine Parents (TEMP)</u>	<u>11-3</u>
	<u>IV. Providing Child Care Services to Enable Another Participant to Participate in Community Service,</u>	<u>11-3</u>
<b>Section 12</b>	Job Search Activities	12-1 thru 12-3
	<u>I. General Provisions</u>	<u>12-1</u>

	<u><a href="#">II. Types of Job Search Activities</a></u>	12-2 thru 12-3
<b>Section 13</b>	Employment	13-1 thru 13-8
	<u><a href="#">I. General Provisions</a></u>	13-1
	<u><a href="#">II. Types of Employment Services</a></u>	13-1
	<u><a href="#">III. Procedures</a></u>	13-2 thru 13-5
	<u><a href="#">IV. Displaced Employee Grievances</a></u>	13-6 thru 13-8
<b>Section 14</b>	Support Services and Payment Provisions for Services	14-1 thru 14-9
	<u><a href="#">I. General Provisions</a></u>	14-1
	<u><a href="#">II. Support Service Benefits, Payment Provisions and Procedures</a></u>	14-2 thru 14-8
	<u><a href="#">III. Employment Support Services</a></u>	14-8
	<u><a href="#">IV. Promptness of Payment of Support Services</a></u>	14-8
<b>Section 15</b>	Reduction of ASPIRE-TANF Services when Funding is Inadequate	15-1 thru 15-2
	<u><a href="#">I. General Provisions</a></u>	15-1
	<u><a href="#">II. Service Reduction Due to Funding Inadequacy</a></u>	15-1 thru 15-2
<b>Section 16</b>	Parents as Scholars Program	16-1 thru 16-5
	<u><a href="#">I. Authorization</a></u>	16-1
	<u><a href="#">II. Philosophy</a></u>	16-1
	<u><a href="#">III. General Provisions</a></u>	16-1 thru 16-4
	<u><a href="#">IV. Administration</a></u>	16-4 thru 16-5
<b>Section 17</b>	TANF Time Limit Extensions	17-1 thru 17-9
	<u><a href="#">I. General Provisions</a></u>	17-1
	<u><a href="#">II. Pre-Termination Notice and Conference</a></u>	17-1 thru 17-3
	<u><a href="#">III. Temporary Hardship Extensions</a></u>	17-3 thru 17-8
	<u><a href="#">IV. Temporary Hardship Extension Granted</a></u>	17-8 thru 17-9
	<u><a href="#">V. End of A Temporary Hardship Extension</a></u>	17-9

---

	<u>VI. Right to Appeal</u>	<u>17-9</u>
<b>Section 18</b>	<u>Working Cars for Working Families</u>	<u>18-1 thru 18-13</u>
	<u>I. Authorization and Scope</u>	<u>18-1</u>
	<u>II. Administration</u>	<u>18-1 thru 18-2</u>
	<u>III. Eligibility Determination Process</u>	<u>18-2 thru 18-4</u>
	<u>IV. Basic Eligibility Criteria</u>	<u>18-4 thru 18-8</u>
	<u>V. Assessment</u>	<u>18-8 thru 18-9</u>
	<u>VI. Participation and Continued Eligibility Requirements</u>	<u>18-9 thru 18-14</u>
	<u>VII. Termination and Appeal</u>	<u>18-14 thru 18-15</u>

<b>INDEX</b>			
<b>Subject</b>	<b>Section</b>	<b>Subsection</b>	<b>Pages</b>
<b>A.</b>			
Adult entertainment	4	IX	4-10
apprenticeship	13	II.B.	13-1
ASPIRE-Plus	13	II.A.	13-1,2,3,4
assessment	5		5-1 thru 5
auto liability insurance	14	II.D.	14-5
auto repairs	14	II.C.	14-4
<b>auto purchase program</b>	<b>18</b>		<b>18-1 thru 18-13</b>
<b>B.</b>			
books and supplies	14	II.H.	14-5
<b>C.</b>			
case management	6		6-1,2
child care	14	II.A.	14-1 thru 3
clothing and uniforms	14	II.I.	14-6
confidentiality	4	I.	4-1, 2, 3
<b>D.</b>			
definitions	1		1-1 thru 6
dental care	14	II.F.	14-5
displaced employee grievances	13	IV.	13-6 thru 8
<b>E.</b>			
education and training	10		10-1 thru 3
education, procedures	10	III.A.-J.	10-2, 3
education, training expenses	14	II.G.	14-5
education, types of	10	II.A.-D.	10-1, 2

employment	13		13-1 thru 8
extensions	17	I-VI	17-1 thru 17-9
<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>
eye care		14	II.D.
	14-5		

<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>
<b>F.</b>			
fair hearings	4	V.	4-6, 7
family planning	8	E.2.a.	8-2
Family Contract	2	IV.C.2.a.	2-5
	7	I.B., C.	7-1, 2
	7	II.A.-E.	7-2
	8	I.B.,C.,D.	8-1
	12	I.	12-1
	14	I.A.,B.,D.,F.	14-1 thru 14-9
	15	II.	15-1, 2
fee-for-service agreements	14	II.L., M., N.	14-6, 7
field training	9		9-1, 2, 3
Fraud investigation and Recovery Unit (FIRU)	1		1-3
<b>G.</b>			
Gambling facility	4	IX	4-10
GED preparation and training	8	C.	8-2
good cause	4	III.	4-4, 5
<b>H.</b>			
high school diploma programs	8	B.	8-2
<b>I.</b>			
Intentional Program Violation (IPV)	4	IX	4-10
<b>J.</b>			
job readiness activities	8	E.	8-2
job search	3		3-2, 4
	3		3-6, 7
	12		12-1, 2, 3



---

**K.**

**L.**

life management skills 8 E.1. 8-2

Liquor sales 4 IX 4-10

<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>
<b>M.</b>	MaineServe	IV.A.3.	3-6
		IV.B.2.	3-6
	11	I.A.-O. II.A.-C.	11-1,2 11-3
	Matriculation		16-1
<b>N.</b>	non-traditional employment	II.D.	13-2
		III.D.	13-6
<b>O.</b>	occupational expenses	II.J.	14-6
	on-the-job training (OJT/ASPIRE-Plus)	II.A. III.	13-1 13-2, 3,4
	orientation		2-5, 6
			3-8
			5-1
			7-2
Overpayment Procedures	VIII.	4-9, 10	
<b>P.</b>	parenting education	E.2.C.	8-2
	Parents as Scholars		16-1 thru 5
	participant's performance requirements:		
	Single Parent Household	II.A.	3-1, 2
	Two Parent Household	II.B.	3-3, 4
	Teen Parents	II.B.	3-2
	participants' rights and responsibilities	II.	4-3, 4
	participants' satisfactory progress	III.A.,B.	3-4, 5
	participation	I.A.	3-1
	payment of support services	IV.	14-8, 9

<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>
period of enrollment	2	IV.C.3.c.	2-6
	14	I.F.	14-1
	14	II.D.	14-4
	14	II.F.	14-5
	14	II.J.,K.	14-7

<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>
pre-training program:	8		8-1, 2
administration	2	IV.	2-3 thru 5
authorization	2	I.	2-2
goals and objectives	2	III.	2-3
performance requirements - single parent family	3	IV.	3-5, 6
performance requirements - two parent family	3	IV.	3-6, 7
<b>Q.</b>			
<b>R.</b>			
relocation costs	14	II.K.	14-6
remedial education	8	D.	8-2
responsibilities of:			
ASPIRE-TANF staff	2	IV.C.3.	2-5
OFI eligibility staff	2	IV.C.2.	2-4, 5
return of purchased goods	14	II.M.	14-7
<b>S.</b>			
sanctionable acts	4	VI.	4-8, 9
scheduling procedures	3	VI.	3-7, 3-8
self-employment	13		13-2
	13		13-4, 5
service delivery areas	15		15-1, 2
service reduction	15		15-1, 2
suitable employment	13	III.E.	13-5, 6
support services	14		14-1 thru 9



<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>
<b>T.</b>			
Transitional Employment for Maine Parents (TEMP)	11	I., III.	11-1, 2, 3
transportation	14	II.B.	14-3, 4
two parent family	3	II.C.	3-3, 4
<b>U.</b>			
<b>V.</b>			
<b>W.</b>			
work activities	1 3	IV.	1-5 3-5 thru 7
work activity services	11	11-1, 2, 3	
work evaluation	2 5 13	IV.C.3.b. I.A.	2-5 5-1 thru 5 13-1
work experience	3	IV.	3-5 thru 7
work readiness activities	8	II.E.2.	8-2
<b>Working Cars for Working Families</b>	<b>18</b>		<b>18-1 thru 18-13</b>
<b>X.</b>			
<b>Y.</b>			
<b>Z.</b>			

~~(February 6, 2017) — 1-1 — Policy #23A~~

~~MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES~~

## SECTION 1: DEFINITIONS AND DESCRIPTIONS

**I. Summary:** This section describes organizational units, programs, acronyms and significant terms pertaining to the ASPIRE-TANF program.

## II. DEFINITIONS

Organizational units, programs, and their acronyms, and other significant terms pertaining to ASPIRE-TANF are defined below:

- A.** **Alternative Aid** — A voucher program which provides assistance to individuals who seek short-term assistance to obtain and/or retain employment pursuant to 22 M.R.S. § 3763(8). The intent of Alternative Aid is to assist families to remain self-supporting by providing vouchers to eligible families' worth to three months of TANF benefits.
- A-B.** **Alternative Education** — An educational program that embraces subject matter or teaching methodology that is not generally offered to students of the same age or grade level in traditional school settings.
- B-C.** **ASPIRE-Plus** — ASPIRE-Plus is an On-the-Job training program that provides an employer subsidy for up to 26 weeks, depending on the length of training time needed, of up to 50% percent of the hourly wage paid by the employer.
- C-D.** **ASPIRE-TANF** — "ASPIRE-TANF" stands for Additional Support for People in Retraining and Employment - Temporary Assistance for Needy Families. ASPIRE is the welfare employment and training program created by the Governor and the Maine Legislature in July 1988, to provide case management, education, training, support and employment services to help TANF recipients to find or create jobs in the local labor market.
- D-E.** **ASPIRE-TANF Unit** — A unit within the Department of Health and Human Services, Office for Family Independence, or an agent or contractor thereof, which provides ASPIRE-TANF services to TANF participants. These services include but are not limited to Assessment, prevocational activities, support services, Good Cause determination, case management and employment services.
- E-F.** **Assessment** — An individualized process designed to integrate the array of ASPIRE-TANF services with the educational and vocational needs, interests and abilities of each participant.
- F-G.** **Basic Literacy Level** — The capability to read and write at a level equivalent to an 8-98th or 9th grade level as demonstrated either by an educational achievement test; maintaining a grade point average of at least 2.0 at a post-secondary institution; or having passed the reading portion of a high school equivalency test.
- G-H.** **Case Management** — The process of identifying the needs of the participant and the participant's family, coordinating services appropriate to meet those needs, and monitoring the participant's progress through ASPIRE-TANF so the participant can gain the skills and support to obtain employment.

(XXX , 2020)

1-2

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**H.** ~~Child care, affordable<sup>\*,\*</sup>~~ — Affordable child care arrangements are those for which the participant incurs no cost or is reimbursed by another program such as ASPIRE or through a deduction for child care from income by the TANF program or by any combination of these methods.

**I.** \_\_\_\_\_

**I.** ~~Child care, appropriate<sup>\*,\*</sup>~~ — Appropriate child care is affordable child care furnished by a child care provider, of the participant's choice, who has passed background checks as required by 22 M.R.S. §§ 8301-A and 8302-~~A0,A.~~

**J.** \_\_\_\_\_

~~\* these definitions apply only to single parents with a child under age 6  
(February 6, 2017) — 1-2 — Policy #23A~~

**J.K.** ~~Child care, reasonable distance<sup>\*,\*</sup>~~ — Reasonable distance means that the ASPIRE participant is required to commute no more than 15 additional miles between home and work activity in order to transport the child to the child care provider.

**L.** ~~Child care, unsuitability of informal care<sup>\*,†</sup>~~ — Unsuitable child care is that provided by an individual who cannot pass a required background check or is unaffordable or would require the ASPIRE participant to travel an unreasonable distance.

**M.** ~~Component~~ — Education, training and employment activities approved by ASPIRE-TANF including: ~~pre-training; educational activities through post-secondary level; job skills training; job readiness activities; group and individual job search; on-the-job training; and community work experience.~~

**N.** ~~Department of Health and Human Services (Department or DHHS)~~ — The agency authorized by Federal statutes to administer the ASPIRE-TANF program and other programs within the Office for Family Independence ~~as well as its agents and contracted providers.~~

**O.** ~~Education~~ — Activities including remedial-education, high school or equivalency, and post-secondary certificate programs designed to prepare the participant for employment.

**P.** ~~Exempt from the Time Limit~~ — ~~A TANF recipient who has a~~ ~~A~~ month or months that do not count against ~~his or her a participant's~~ 60-month time limit.

**Q.** ~~Exempt from Work Participation~~ — A TANF recipient who is not required to participate in ASPIRE-TANF in accordance with Federal or State regulations.

**R.** ~~Extension~~ — A one to six-month time period during which TANF benefits may be received, based on hardship, approved by the Department. ~~This~~~~An extension~~ allows a household to

~~\* these definitions apply only to single parents with a child under age 6.~~

~~† these definitions apply only to single parents with a child under age 6.~~



(XXX , 2020)

1-3

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

receive benefits past its 60-month time limit, when the recipient is complying with program rules and meets all other TANF eligibility requirements.

(XXX , 2020)

1-4

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- S. Fair Hearing (also known as an Administrative Hearing)** — A hearing conducted before a Department of Health and Human Services hearings officer in which a participant has an opportunity to dispute a decision made by the Department. The hearings officer's decision is binding on all parties involved in the particular case.
- T. Family Contract** — A form signed by a representative of the Department and each TANF caretaker relative that states the responsibilities of the parties to the agreement, including but not limited to cooperation in child support enforcement and determination of paternity, and the requirements of program participation. The contract may also include referral to parenting activities and health care services where the need for such services has been established.
- U. Family Contract Amendment ~~-(FCA)~~** — The binding agreement ASPIRE participants enter into with the Department, ASPIRE Unit, pursuant to 22 M.R.S.A. ~~§~~ § 3788(4-A). In these agreements, specific action steps are listed that both the Department and the participant agree to perform. ASPIRE support services to be provided are listed in the FCA.

~~\* these definitions apply only to single parents with a child under age 6~~

~~(February 6, 2017)~~

~~1-3~~

~~Policy #23A~~

- H.V. Federal Department of Health and Human Services, Administration for Children and Families, Office of Family Assistance (HHS/ACF/OFA)** -- The federal agency that administers and regulates the TANF Program and other programs of the Department of Health and Human Services, Office for Family Independence, and provides block grant funds for these programs.
- W. Field Training** — A non-wage, time limited, training placement with a public, private non-profit or profit employer which enables the participant to explore a preliminary career decision, gain experience in the work world and/or improve specific job skills.
- X. Fraud, Investigation and Recovery Unit (FIRU)** — the unit in the ~~department~~Department responsible for investigating allegations of misuse, fraud, and over-payments. The unit also is responsible for seeking repayment when appropriate or referring the matter to the Attorney General's office for prosecution.
- Y. Food Supplement Employment and Training (FSET)** — The employment and training program administered under 10-144 C.M.R. Ch. 609, that provides case management, education, training, supports and employment services to help Food Supplement recipients find and keep jobs.
- Z. Gainful Employment** — Activities that a person can perform which are intended to provide an income and which are a source of consistent revenue for the worker, such as a steady job.
- AA. Good Cause** — Acceptable reasons, as determined by the Department of Health and Human Services, for a participant's failing or refusing to participate in ASPIRE-TANF or in a particular ASPIRE-TANF component.

(XXX , 2020)

1-5

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**BB.** **Higher Opportunity for Pathways to Employment (HOPE)** — The program administered under 22 M.R.S. § 3790-A, and 10-144 C.M.R. chapter 330, that provides support services such as child care and transportation and voluntary student navigation services to help low income students who are parents of minor children.

**CC.** **Intentional Program Violation –(IPV)** ~~means that~~ — An IPV occurs when an individual has purposely misused “cash benefits” or other benefits, and/or misrepresented actual circumstances in order to receive benefits, and the individual would not have been eligible had the proper information been available at the time of application, redetermination of eligibility, or within ten days of the change in circumstances. An IPV will result in a referral to the Fraud, Investigation and Recovery Unit (FIRU) for further review and recovery.

**DD.** **Job Club** — A structured and supervised job search group which assists participants in their efforts to obtain and retain employment.

**EE.** **Job Development/Placement** — Specific actions by ASPIRE-TANF or a service provider in identifying subsidized and unsubsidized jobs, marketing participants based on their career goals for those jobs and securing job interviews for participants.

**FF.** **Job Readiness** — Pre-training activities focusing on life management skills, work maturity skills, work place expectations and work behavior and attitudes necessary to succeed in the labor market.

**GG.** **Job Search** — Counseling and pre-employment training on job-seeking skills either individually or in groups. The group "Job Club" is the preferred job search activity.

**HH.** **Job Skills Training** — Vocational training focusing on the required skills, knowledge and abilities of a specific occupation or business.

**II.** **MaineServe** — A community service program designed to provide parents who are eligible for TANF opportunities to serve their communities and the State in a manner that assists them in developing and renewing their skills in ways that may lead to employment that is sufficient to sustain their families.

**JJ.** **Matriculation** — For the Parents as Scholars Program, matriculation is defined as acceptance and enrollment into any two-year or four-year academic program in an institution of post-secondary education.

~~(February 6, 2017) 1 4 Policy #23A~~

**KK.** **Net Loss of Cash income** — Net loss of cash income results if the family’s gross income, less necessary work-related expenses, is less than the TANF benefit and any other cash assistance the participant was receiving at the time the offer of employment is made.

**LL.** **Non-Compliance** — Failure of a mandatory ASPIRE recipient to sign or abide by the terms of the Family Contract Amendment without Good Cause, which will result in termination of

(XXX , 2020)

1-6

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

benefits to the individual for the lesser of ninety (90) days or until the failure to comply ceases.

- MM. Office for Family Independence (OFI)** — The organizational unit with the Department of Health and Human Services which administers the ASPIRE-TANF program. OFI also administers the following services: TANF, Food Supplement Benefits (SNAP), General Assistance, MaineCare, **HOPE**, Support Enforcement and Recovery, and Emergency Assistance.
- NN. On-the-Job Training (OJT)** — A means by which a participant is hired and trained in a specific occupation by a private or public employer who receives a partial reimbursement of wages paid for providing skills and training necessary to perform the job (See ASPIRE-Plus).
- OO. Order of Reference** — A document in which the Department’s Commissioner gives specific instructions to the Office of Administrative Hearings regarding the issues to be addressed at hearing and the handling of a hearing request. ~~This~~ **These instructions** may include, but ~~is~~ **are** not limited to, an instruction that the Hearing Office issue recommended findings and a recommended decision with the authority to make the final findings and decision reserved to the Commissioner.
- PP. Parents as Scholars Program (PaS)** — A student aid program based on need for up to ~~2000~~ **2,000** participants, to aid needy students who have dependent children and who are matriculating in post-secondary undergraduate 2-year and 4-year degree-granting education programs.
- QQ. Participant** — A TANF recipient who is involved in ASPIRE-TANF activities **or any individual receiving supports under one or more of the programs detailed in this Chapter.**
- RR. Period of Enrollment** — The time frame from the opening of activity with the ASPIRE-TANF program, until participation with ASPIRE-TANF is ended.
- SS. Pre-Training** — Activities designed to prepare the participant for occupational skills training, post-secondary education and employment. Such activities include secondary education programs, job readiness activities, employment counseling, field training, self-employment evaluation, and referral to services to improve life-management skills.
- TT. Sanctions** — Actions taken by the Department of Health and Human Services as a result of a participant's failing or refusing to participate in ASPIRE-TANF without Good Cause. These actions generally cause a reduction in TANF and Food Supplement benefits for a specified time period for participants who are not exempt, and a loss of services for a specified time for voluntary participants.
- UU. Satisfactory Progress** — The requirement that a participant meet standards of performance imposed by an educational or training institution and by ASPIRE-TANF while participating in an education or training activity.

(XXX , 2020)

1-7

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**VV. Support Services** — Services such as child care, transportation, eye and dental care, which enable the participant to complete the Family Contract Amendment and take employment.

~~(February 6, 2017) 1-5 Policy #23A~~

**WW. TANF Recipient** — An individual whose family's financial needs are met in part with TANF payments in accordance with the Maine Public Assistance Manual.

**XX. TANF Single Parent Family** — A TANF family which receives benefits under the program authorized in the Federal Social Security Act, as amended by the *Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996*, and the *Deficit Reduction Act (DRA) of 2005*, whose children are deprived of parental support or care by reasons other than the underemployment of the parent who is the principal wage earner, or the incapacity of a parent.

**YY. TANF Two Parent Family** — A TANF family which receives benefits under the program authorized in the Federal Social Security Act, as amended by the *Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996*, and the *Deficit Reduction Act (DRA) of 2005*, whose children are deprived of parental support or care either by reason of the underemployment of the parent who is the principal wage earner, or by reason of incapacity of a parent.

**ZZ. Time Limit** — The limit of 60 months during which a family may receive TANF assistance in the absence of the family qualifying for a time limit exemption or extension.

**AAA. Training and Work Site Agreement** — An agreement which is included as part of the Family Contract Amendment and which stipulates specific performance requirements for a participant enrolled in education, training and/or work experience.

**BBB. Transitional Employment for Maine Parents (TEMP)** — a volunteer work experience position.

**CCC. UP** — Unemployed Parent refers to the cases where TANF eligibility is based on the unemployment or under-employment of one of the parents in the household.

**DDD. Up-front Job Search** — Newly-granted TANF recipients who are considered job-ready, and who are eligible for TANF based on unemployment of the primary wage earner or single parent recipients whose children are 5 years of age or older, may participate in individual or group job search activities during the work evaluation phase of involvement with ASPIRE-TANF.

**EEE. Voluntary Participant** — A TANF recipient who is not required to participate, by Federal or State regulations but chooses to enroll in ASPIRE-TANF.

**FFF. Work Activities** — Work activities are those activities that are allowable under PRWORA (Sec. 407, (d)), and are listed in this manual in Section 3 (IV)(A)(3) and (IV)(B)(2).

(XXX , 2020)

1-8

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**GGG. Work Eligible Individual (WEI)** — An adult, or a minor child, who is a head of household, receiving assistance under TANF or a separate State program, who is not otherwise exempted from meeting a work requirement.

**HHH. Work Evaluation** — Consists of all activities related to Assessment, employability plan development and initial amendment to the Family Contract Amendment. Work evaluation is limited to a maximum of 90 days, unless extended by the Commissioner (or the designee of the Commissioner).

**III. Work Experience** — This is a generic term used to describe a variety of experiential activities (such as TEMP, On-the-Job Training, Community Service, etc.) that lead to, or include, employment.

~~(February 6, 2017) 1-6 Policy #23A~~

**JJJ. Work Readiness Activities** — These activities include job shadowing, job coaching, mentoring, situational assessment, and any other activity that will encourage obtaining or retaining employment.

**KKK. Working Cars for Working Families** — Transportation assistance program initiated by 22 M.R.S. § 3769-F, which assists participants in obtaining and maintaining sustainable employment by providing them with access to reliable, affordable transportation. This program is designed to be an employment support and to comply with applicable federal TANF regulations.

**END OF SECTION**

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 18: WORKING CARS FOR WORKING FAMILIES**

**SUMMARY:** This section describes the Working Cars for Working Families Program (referred to in this Section as “the Program”), which is created to provide transportation for low-income individuals to obtain and retain sustainable employment. This Section establishes the Program, sets out eligibility and ongoing participation criteria, and describes the application and decision-making processes.

**I. AUTHORIZATION AND SCOPE**

The Department is required to operate the Working Cars for Working Families Program by 22 M.R.S. § 3769-F. This requirement expires as of July 1, 2022. Pending the availability of funding and other resources, the Department may continue to operate the program. The purpose of the Program is to assist participants in obtaining and maintaining sustainable employment by providing them with access to reliable, affordable transportation.

**II. ADMINISTRATION**

A. General — Subject to the availability of funds, the Department shall administer the Working Cars for Working Families Program in accordance with this Section, once operational infrastructure is complete, which may occur after the adoption date of this rule. The Program shall provide transportation solutions to eligible program participants, pursuant to the most effective and efficient way to achieve that goal with the limited resources and time period provided under statute.

B. Services — The Program will include different transportation options. Such options may include, without limitation—

1. furnishing purchased or donated vehicles to participants;
2. coordinating public or private transportation;
3. facilitating car shares among participants;
4. ride or shuttle service; or
5. providing driver instruction or education.

These rules include some provisions that expressly apply only to certain such options. Which options shall be afforded to any individual will be based on the availability of the option, the suitability of that option to solve the particular individual’s barrier to sustainable employment, and the desire of the individual to accept that option.

C. Definitions –

1. Sustainable employment — employment that leads or is expected to lead to a family ending its financial need for cash assistance, including TANF, PaS, and Alternative Aid.

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

“Employment” within the meaning of this Section does not include self-employment or any form of employment that involves a subsidy to the employer.

2. Earned income — Cash or in-kind benefits received as payment for work performed either as an employee, through the receipt of wages, salaries, tips, or commissions. Earned income does not include income from self-employment or income from employment that involves a subsidy to the employer.

D. Funding Contingencies -- Pursuant to authorizing statute, funding for the Working Cars for Working Families Program is limited to \$6,000,000 allocated from the federal TANF block grant accrued prior to state fiscal year 2017-2018. If the Department finds that its continued administration of the Program will or is reasonably likely to exhaust that funding before June 30, 2022, it will follow the procedures in this subsection to minimize the impact on program participants.

1. If funding allows, the Department shall stop accepting or processing new applications or Transportation Program Agreements (see Subsection VII), and shall continue to honor all current, signed Agreements to their completion date.
2. If funding is not sufficient to maintain current programming as described in subparagraph 1, the Department shall reduce specific transportation services and/or the frequencies with which such services are provided, giving at least 14 days’ notice to affected program participants. The Department shall effectuate reductions and eliminations under this subsection across the board to all participants, not make case-by-case elimination or reduction decisions.
3. If funding is not sufficient to maintain current programming as provided in subparagraph 1 or to equitably reduce or eliminate programming as provided in subparagraph 2, the Department shall terminate all Transportation Program Agreements and end all services, providing at least 14 days’ notice to program participants.
4. The Department will notify program participants of reductions or program termination no less than 14 calendar days in advance of the reduction or termination of service.
5. Categorically applicable denials, reductions, and service terminations based on funding limitations are not subject to administrative appeal.

### III. ELIGIBILITY DETERMINATION PROCESS

A. General -- The Department shall determine program eligibility and enrollment as follows:

1. The Department shall determine whether an application meets the financial and nonfinancial program eligibility criteria set out in Subsection IV;
2. If the Department finds that an application meets the eligibility criteria, it will notify the applicant, and schedule and conduct an in-person assessment with the applicant, in accordance with Subsection V (Assessments may be conducted through a virtual meeting



**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

platform, rather than in-person, under extraordinary circumstances such as a public health emergency.); and

3. If the Department determines an individual eligible for this program per the financial and non-financial criteria detailed in this Section, it shall determine whether there are available Program resources that would remedy the applicant's transportation barriers to employment.

B. Application -- To facilitate the process described in Subsection IV (A), the Department shall develop a uniform application for the Program, which will allow the Department to evaluate an applicant's eligibility under Subsection V. The application will also include a list of potential transportation services, from which the applicant may indicate the specific service(s) sought. Applicants may submit completed applications at any of the Department's regional offices or at statewide offices where ASPIRE services are provided. The application date will be the date a valid application is received. To be considered valid, the application must include the minimum information necessary to make an eligibility determination as detailed in IV below. If an incomplete application is received, but it contains contact information, the Department will take steps to aid in its completion.

C. Enrollment -- The Department shall determine whether an applicant is eligible to receive Program services—and if so, what available services to provide—based on the following:

1. The Department's review of the applicant's eligibility under the Basic Eligibility Criteria in Subsection V, including the applicant's timely production of any necessary or requested verifications that confirm such eligibility;
2. The applicant's timely compliance with requests for verification and attendance at the scheduled assessment;
3. The Department's review of the applicant's transportation needs, employment situation, and suitability for the Program, in accordance with Subsections V and VI; and
4. The availability of Program resources, and non-program alternatives, that will reasonably address the applicant's Transportation Need as defined by IV(B) below.

If in its evaluation of factors 1-4, the Department determines that participation in the Program is appropriate, it will notify the applicant in accordance with Subsection IV (D). Program enrollment and service delivery shall not occur until the qualified applicant has executed a Transportation Program Agreement under Subsection VII (A).

D. Decision — Within 30 days of receiving a complete application, the Department will issue a written determination of eligibility at the conclusion of its evaluation. If the applicant is not deemed eligible and qualified for the program pursuant to Subsections V or VI, or if the Department determines that the applicant will receive a transportation service that is not the applicant's first preference, then the notice will identify the reason(s) for the denial or for the particular service selection. The decision will be provided to the applicant within 30 calendar days of the date the Department receives the completed written application, provided the

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

applicant has replied to requests for verifications in a timely manner and completed the scheduled assessment. The notice of decision will include information on appeal rights.

- E. Waitlist -- If the transportation service that an eligible individual requires is not immediately available, the Department will maintain a waitlist that will include the individual's contact information, affirmative eligibility determination, and service request. When the service becomes available, the applicant will be contacted by their preferred method of contact that the individual stated during their Assessment (e.g., telephone, text, email, written postal mail). If contact is not made that same day, a letter will also be sent. The individual will have five calendar days from the date contact is attempted to accept the support. If they do not accept the support within the five days, they will have ten calendar days from the date contact is attempted to contact the department schedule another assessment. If they do not contact the Department within the ten days, they will be dropped from the waitlist.

**IV. BASIC ELIGIBILITY CRITERIA**

- A. Financial Eligibility -- Applicants must meet one of the following financial eligibility requirements to receive transportation services as part of the Program:
1. As of the date of application, the applicant must be an included member of an open case in Maine for, and be receiving, federally-funded TANF or TANF-PaS; or
  2. The applicant's filing unit (within the meaning of 10-144 C.M.R. Ch. 331, the Maine Public Assistance Manual, Chapter II, and 22 M.R.S. § 3763(8)) must have gross income at or below the gross income standard applicable to Alternative Aid applicants, pursuant to the Maine Public Assistance Manual, Chapter IX.
- B. Transportation Need -- To be eligible for the Program, applicants must demonstrate that adequate reliable transportation is their primary barrier to obtaining or retaining sustainable employment. In assessing this need, the Department may require an applicant to make a written statement as part of the application, explaining the applicant's transportation limitations and how they impact job prospects. Determining whether an applicant meets this eligibility criterion will require the Department to consider the facts and circumstances of each individual applicant. At a minimum, the applicant shall provide details concerning, and the Department shall consider, the following:
1. Employment Circumstances -- The applicant must have a reasonable likelihood of obtaining or retaining sustainable employment by participating in the Program. An applicant may meet this requirement by showing the following, or making a similar showing:
    - a. The applicant is actively working thirty (30) or more hours per week, resulting in weekly earned income equal to or in excess of the State of Maine's minimum wage;
    - b. The applicant has a job offer, or offers, that would combine for thirty (30) hours average weekly employment, resulting in earned income equal to or in excess of the State of Maine's minimum wage;

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- c. The applicant has at least one pending job application for a position the applicant is qualified for and prepared to accept, within an hour commute of the applicant's residence;
  - d. Within the last thirty (30) days there have been, or there currently are, at least three posted positions, for which the applicant is qualified and that they would have applied to but for transportation limitations, within an hour commute of the applicant's residence; or
  - e. Within thirty (30) days of Program application the applicant will receive a credential, certification, degree or other similar qualification that will enable the applicant to apply for and accept employment within a field that has had in the last thirty (30) days at least three posted positions within an hour commute of the applicant's residence for which the applicant will be qualified upon receipt of the new credential.
2. Transportation Limitations. An applicant will be eligible for the Program only if they do not have access to sufficient transportation to maintain or obtain sustainable employment. An applicant is **not** eligible for the Program, if—
- a. They own a vehicle in reliable running condition. The Department will verify ownership, or lack thereof, by searching for active registration with the State of Maine, Bureau of Motor Vehicles (BMV) and with the BMV or any like agency of any other state where the applicant lived within 12 months of applying. If the applicant contends that their vehicle is not in reliable running condition, the Department will require a written statement from a State of Maine licensed vehicle inspection station;
  - b. Another member of the applicant's TANF household or filing unit owns a vehicle in reliable running condition and does not use the vehicle for work or child care that conflicts with the applicant's actual or anticipated employment schedule. The Department will verify ownership, or lack thereof, by searching for active registration with the State of Maine, Bureau of Motor Vehicles (BMV) and with the BMV or any like agency of any other state where the individual lived within 12 months of applying. If the applicant contends that the household vehicle is not in reliable running condition, the Department will require a written statement from a State of Maine licensed vehicle inspection station;
  - c. Available public transportation can reliably and consistently accommodate the applicant's actual or anticipated schedule of employment hours and child-care-provider-required pick up and drop off times, with an average commute time of no longer than one (1) hour each way; or
  - d. They have consistent access to any other form of reliable transportation that does not limit the applicant's ability to accept new employment, increase hours, change their work schedule, or meet child care needs.

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

C. Additional Nonfinancial Requirements—

1. Applicants must meet all of the non-financial eligibility criteria for federally-funded TANF benefits described in Maine Title 10-144 C.M.R. Ch. 331 chapter II with the following exceptions:

a. Establishing Paternity and Assignment of Rights to Support;

b. ASPIRE-TANF.

NOTE: This exception does not waive any requirements to participate with ASPIRE based on participation in other TANF-funded programs.

2. No applicant is eligible to participate in the Program if at the time of application or subsequent to the application—

a. The applicant or another member of the applicant's TANF filing unit has received three (3) or more Department sanctions including from, without limitation—ASPIRE, Division of Support Enforcement and Recovery (DSER), and Quality Control (QC) in the last twenty-four (24) calendar months; or

b. The applicant or another member of the applicant's TANF filing unit has had an Intentional Program Violation (IPV) for any needs-based benefit program in Maine, or any other state within the United States.

3. Applicants who are mandatory ASPIRE Program participants must meet the following conditions:

a. Be in compliance with the terms of their Family Contract Amendment;

b. Not have a current sanction for failing to comply with the ASPIRE Program;

c. Not be exempt from ASPIRE work participation requirements. This limitation includes federally allowed exemptions of caring for a disabled family member, or caring for a child under the age of one (1); and

d. One of the following:

i. Have been successfully meeting the ASPIRE work participation requirements without need for good cause for each of the previous three months, or since beginning participation with ASPIRE, whichever is shorter; or

ii. Have had employment of an average of thirty (30) hours per week resulting in weekly earned income equal to or in excess of the State of Maine's minimum wage for each of the previous three months, or since beginning participation with ASPIRE, whichever is shorter; or

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

iii. During the relevant period, have attended full time (as defined by the institution) college courses that resulted in an Associate's or Bachelor's Degree, or attended a training or education course(s) for an average of thirty (30) hours per week that resulted in a work credential.

4. Individuals who are not mandatory ASPIRE Program participants must meet the following conditions:

a. Qualify as a member of a TANF filing unit, in which a qualifying specified relative is maintaining a home for a child under the age of eighteen (18), or who is eighteen (18) and attending school full time. The provisions of the Maine Public Assistance Manual, Chapter II, apply to determine whether an applicant meets the qualifications under this subsection;

b. Be actively working thirty (30) or more hours per week, resulting in weekly earned income equal to or in excess of the State of Maine's minimum wage before receiving any transportation service under the Program; and

c. Attend a Program orientation and comply with all requirements associated therewith before receiving any transportation service under the Program.

D. Additional Eligibility Criteria for Vehicle Access—Applicants requesting to receive access to a vehicle through the Program must meet additional eligibility requirements to receive the service. Applicants otherwise meeting the eligibility criteria in this section may receive other transportation services available through the Program until satisfying the following criteria:

1. Have a current valid driver's license in any state in the United States;

2. Be at least twenty-one (21) years of age;

3. Demonstrate the ability to responsibly own and maintain a vehicle. This demonstration includes completion of each of the following courses prior to vehicle delivery, if courses are available online or within a reasonable distance from the applicant's residence:

a. Driver safety course (Maine Driving Dynamics);

b. Vehicle ownership orientation; and

c. Vehicle ownership course including financial preparation.

4. Not have been convicted of any of the following offenses, as determined by self-attestation and a background check:

a. Operating Under the Influence (OUI), Driving Under the Influence (DUI) or Driving While Intoxicated (DWI) in the past ten (10) years;

b. More than two (2) moving violations or at-fault accidents in the past five (5) years;

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

c. Any moving violation in the six (6) months immediately preceding Program enrollment; or

d. Any crimes of violence leading to bodily injury of another.

5. Make a down payment to the Department in the amount equivalent to three (3) monthly premium payments, as provided in Subsection VII (C)(2). This payment may be made in no more than three (3) installments, over no more than three (3) months, and may not be waived. Participants may not receive ASPIRE, FSET, or HOPE support services to cover the down payment.

E. Verifications -- Except where otherwise specified, above, and unless the Department can obtain verification through its own records or the records of its agents, the Department shall require written or third-party verification of any factor impacting Program eligibility. Failure to respond to requested verifications within ten (10) business days may result in a denial.

**V. ASSESSMENT**

A. General -- As part of the determination of Program eligibility, the Department will conduct an assessment of the applicant to evaluate the applicant's qualifications, particularly with regard to their transportation need, as set out in Subsection V(B). Provided that all eligibility criteria are satisfied, the assessment will also evaluate available transportation service options to determine the option best suited to an applicant's particular situation. The Department may determine, as a result of the assessment, that the applicant may receive program services that are different from the applicant's initial request.

B. Format and Scheduling -- The assessment will be scheduled verbally or by a written scheduling notice and shall be conducted in person between the applicant and the Department. (Assessments may be conducted through a virtual meeting platform, rather than in-person, under extraordinary circumstances such as a public health emergency.) Failure to complete a scheduled assessment without providing 24 hours of advance notice and rescheduling at a mutually agreed time no more than one week after the original date may result in a denial. If it has appropriate information at the time, the Department may verbally notify the applicant at the time of the assessment that they are eligible for the Program and suitable for an available option. If such a determination is appropriate, the Department and the applicant shall execute a Transportation Program Agreement at that time, and the Department may begin providing Program services immediately, as appropriate. If the Department makes such a determination at the time of the assessment, and the applicant executes a Transportation Program Agreement, the applicant may, at their sole option, elect not to receive a separate written decision about Program eligibility under Subsection IV (D).

C. The Department shall discuss the following with the applicant during the Assessment:

1. Any information in or missing from the application that is relevant to eligibility criteria set out in Subsection V;

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

2. Any information in or missing from requested verifications;
3. The applicant's current employment status, including details concerning earnings and scheduled work hours;
4. The applicant's employment history from the past twenty-four (24) months, to include self-employment and subsidized employment;
5. Transportation resources currently available to the applicant;
6. The applicant's method of transportation used in the past twelve (12) months;
7. The applicant's current or anticipated travel route to child care and employment;
8. Details of any vehicles owned or registered to the individual to include, but not limited to, outstanding loans, year, make, model, mileage, condition, current status of title, registration, inspection, liens, and insurance;
9. Driving background to include a review of a background check which shall include searches of the State Bureau of Investigation (SBI) and Maine's Bureau of Motor Vehicles (BMV) records;
10. Any other matter that impacts the applicant's Program eligibility or suitability for a service or set of services; and
11. Information on the applicant's preferred method of contact.

**VI. PARTICIPATION AND CONTINUED ELIGIBILITY REQUIREMENTS**

A. Program Agreement -- Prior to receiving any services under the Program, and before any changes to services can take effect for ongoing cases, participants must execute with the Department a Transportation Program Agreement (Agreement).

1. Form and Duration -- The Agreement must be reviewed and renewed no less often than once every six months, or whenever there is a material change in a participant's employment or transportation circumstances.
2. Effect -- The participant shall comply with the terms of their Agreement, and failure to do so may result in termination of enrollment, per Subsection VIII, a Program overpayment, per the Maine Public Assistance Manual, Chapter VI, and/or an Intentional Program Violation (IPV), per the Maine Public Assistance Manual, Chapter VI.
3. Content -- Each Agreement shall be tailored to the facts and circumstances of the Program participant. In addition, all Agreements must include the following:
  - a. An attestation by the participant that they do not have sufficient access to reliable transportation to allow the them to retain or obtain sustainable employment;

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- b. A commitment that the participant will report to the Department immediately if they determine that they cannot meet the requirements of the program;
  - c. A commitment that, once enrolled in the program, the participant will not voluntarily reduce hours of employment below the average of 30 hours per week;
  - d. A commitment that the participant will report changes of employment circumstances (including without limitation -- employer, hours, schedule, and earnings), the availability of alternative transportation options, and contact information to the Department within ten days of their becoming aware of the change;
  - e. A commitment that the participant will attend in-person meetings with the Program as scheduled, and no less often than once a month during the first six months of program participation (These meetings may be conducted through a virtual meeting platform, rather than in-person, under extraordinary circumstances such as a public health emergency.); and
  - f. A commitment that the participant will not engage in disruptive conduct during any program-coordinated transportation service.
  - g. A commitment by the Department to provide transportation services so long as the participant abides by the agreement, meets all other eligibility requirements and such services are at the Department's disposal.
4. Content Specific to Vehicle Access Services -- Prior to receiving such service under the Program, participants eligible for and seeking to gain access to a vehicle under the Program must execute an Agreement that, in addition to the provisions specified in Subsection VII (A)(3), includes—
- a. A commitment to use the vehicle primarily for purposes of commuting to and from work;
  - b. A commitment not to sell or trade the vehicle during Program participation, without prior authorization in writing from the Director of the Office for Family Independence or their designee;
  - c. A commitment not to allow other members of the household to drive the vehicle;
  - d. A commitment not to use the vehicle for income producing transportation services or for transportation services which result in mileage reimbursement for transporting others;
  - e. A commitment to operating the vehicle in compliance with all applicable traffic and parking laws;
  - f. A commitment not to operate the vehicle under the influence of alcohol, illegal drugs, or prescription drugs that impair a person's ability to operate motor vehicles;



**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- g. A commitment not to consume alcohol, illegal drugs, or prescription drugs that impair a person's ability to operate motor vehicles while in the vehicle, whether or not the vehicle is running;
  - h. A commitment to report any accidents, thefts, or similar types of incidents involving the vehicle to law enforcement immediately;
  - i. A commitment to protect the vehicle from theft and vandalism by locking the vehicle and parking in well-lit areas, to the extent possible;
  - j. A commitment to conduct routine maintenance on the vehicle as necessary, including but not limited to, regular cleaning of the interior and exterior of the vehicle, oil changes, and maintaining fluid levels;
  - k. A commitment not to operate the vehicle when it is in an unsafe condition or in need of repairs, to report such a condition to the Department immediately, and to cooperate with the Department in arranging for necessary repairs;
  - l. A commitment not to use the vehicle for any illegal activities;
  - m. A commitment to make monthly premium payments timely and in-full, as described in Subsection VII (C);
  - n. Subject to Subsection VII (C)(1), a commitment to timely cooperate with and assist the Department in—
    - i. maintaining active, current registration for the vehicle,
    - ii. maintaining active, current insurance on the vehicle,
    - iii. ensuring the vehicle timely passes state inspection, and
    - iv. ensuring all applicable taxes on the vehicle are paid; and
  - o. A commitment to immediately return the vehicle to the Department upon demand, for failure to comply with the terms of the Agreement or the rules of the Program, including transferring title to the Department where applicable.
- B. Annual Review -- No less often than once every 12 months following initial Program Enrollment, a participant will attest to the Department and confirm with verifications as requested by the Department that --
- 1. Without regard to how the participant initially gained financial eligibility into the Program, the gross income of the participant's filing unit (within the meaning of the Maine Public Assistance Manual, Chapter II) is less than or equal to 250 percent of the federal poverty level;

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

2. Transportation would be a primary obstacle to retaining sustainable employment if the participant withdrew from the Program; and
  3. The participant continues to meet all applicable nonfinancial eligibility requirements set out in Subsection V (C) and (D).
- C. Changes between reviews — The Department shall connect with the participants, verbally or in writing, three, six, and nine, and each subsequent 12 months from the date of the start of the Participant's eligibility determination in order to:
1. Ensure compliance with vehicle maintenance requirements as outlined in the TPA;
  2. Verify continued employment; and
  3. Refer the Participant to new transportation resources as needed.
- D. Additional Vehicle Access Provisions --
1. To the extent reasonably practicable, the Department shall transfer title to all vehicles provided to program participants within 30 calendar days of vehicle distribution. Prior to transferring title, in addition to determining that the participant has met all relevant eligibility criteria, the Department must—
    - a. Determine that, without assistance from the Department, the participant is financially able to pay all expenses associated with owning the vehicle including, without limitation, expenses associated with the provisions of Subsection VII (C)(1)(b), below; and
    - b. Require the participant, as an additional provision of the Agreement, to—
      - i. maintain active, current registration for the vehicle,
      - ii. maintain active, current insurance on the vehicle,
      - iii. ensure that the vehicle timely passes state inspection, and
      - iv. ensure that all applicable taxes on the vehicle are paid.
  2. Monthly Premiums -- Notwithstanding title to the vehicle, participants must pay to the Department a premium of \$100 by the 15<sup>th</sup> day of each calendar month in order to maintain access to such vehicle under the Program.
    - a. If a participant's filing unit (within the meaning of the Maine Public Assistance Manual, Chapter II) has income greater than 200 percent of the federal poverty level, the participant's monthly premium will be \$150.

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- b. A participant's first failure to make a timely monthly premium payment will result in an overpayment in the amount of the premium due and an official warning issued by letter. A second failure to make a timely premium payment will result in an overpayment in the amount of the missed premiums and an obligation to return the vehicle to the Department, per the Agreement.
- c. Temporary Waiver -- For no more than one month at a time, the Department may waive the monthly premium and any penalty for failure to make a payment thereof, upon a participant's written or oral request and verification prior to the payment due date that—
- i. the filing unit's income has fallen below 100 percent of the federal poverty level; or
  - ii. the participant is experiencing a crisis or extreme hardship, as determined by the Director of the Office for Family Independence or their designee.
- Without regard to this Subsection, if a participant cannot pay the premium for more than two months in a row or three months in a 12 month period, the Department will conduct a new assessment and reassign the participant to a more suitable transportation option, if one is available.
- d. Participants may not receive ASPIRE, FSET, or HOPE support services to cover the premium.
3. Program Graduation -- After a participant has made a total of 24 monthly premium payments, in addition to the down payment, participation in the program and obligations under the Agreement will end, and the participant will retain ownership of the vehicle without continuing premium payment obligations. The Department shall notify participants in writing at the time of such graduation.
4. The Department shall pursue an intentional program violation (IPV) when a participant has knowingly failed to return the vehicle upon the Department's demand or has sold or traded the vehicle during Program participation without prior authorization in writing from the Director of the Office for Family Independence or their designee. The dollar amount of any overpayment associated with such an IPV will be calculated as follows —
- a. All down payments and premium payments made toward the vehicle shall be added together;
  - b. That sum shall be reduced by the total of all maintenance costs paid by the Department for the vehicle. If this reduction results in a negative figure, it will be treated as a zero.
  - c. This difference shall be subtracted from the NADA clean retail value at the date the vehicle was transferred to the participant.

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

d. This difference shall the amount of the overpayment.

**VII. TERMINATION AND APPEAL**

A. Early Termination of Services -- Program services to a participant shall be terminated when one of the following occurs:

1. The participant no longer meets all applicable program eligibility requirements set out in Subsection V; or
2. The participant fails to comply with a provision in their Agreement.

A participant shall not be terminated from the program due to failure to comply with their Agreement if the noncompliance concerns employment, and the participant demonstrates either --

- a. That the participant was terminated or had hours reduced through no fault of the participant; or
- b. The noncompliance was due to a medical condition or illness of the participant or a dependent who requires full time care. This noncompliance must last no more than two (2) calendar weeks. The medical condition or illness must be verified by a medical provider approved by the Department.

B. Appeal Rights -- A participant who disputes an application decision or a program decision, including a decision on a selection, reduction, or termination of transportation services; a denial of a monthly premium temporary waiver; or an overpayment; has the right to an administrative hearing, provided the request for the hearing is made timely. Department staff will complete the hearing request on behalf of the participant and file it with the Administrative Hearings Unit. See 10-144 C.M.R. Ch. 331, Maine Public Assistance Manual (TANF) Chapter VI, for additional information on Fair Hearings and Administrative Hearings and Intentional Program Violations.

1. The request for an administrative hearing must be made within thirty (30) calendar days of the issuance of the notice of action which is disputed. If the disputed decision involves the suspension or termination of transportation services which have previously been provided, and the participant requests an administrative hearing within ten (10) days of the notice, transportation services will continue pending the outcome of the administrative hearing.
2. The hearing will be conducted in accordance with the rights and procedures set forth in 10-144 C.M.R. Ch. 1 *et seq.*

**END OF SECTION**

**10-144**

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**OFFICE FOR FAMILY INDEPENDENCE**

**CHAPTER 607**

**ASPIRE-TANF PROGRAM RULES**

**Effective November 6, 2001  
Last Amended: XXXXX, 2020**

## Table of Contents

Section Number	Title	Pages
<b>Section 1</b>	Definitions	1-1 thru 1-6
<b>Section 2</b>	Authorization; Philosophy; Goals and <u>Objectives</u> , <del>Objectives</del> ; Administration	2-1 thru 2-6
	<u>I. Authorization</u>	<u>2-1</u>
	<u>II. Philosophy</u>	<u>2-1 thru 2-2</u>
	<u>III. Goals and Objectives</u>	<u>2-2</u>
	<u>IV. Administration</u>	<u>2-3 thru 2-6</u>
<b>Section 3</b>	Participation; Participant Performance Requirements <del>Participant Satisfactory Progress; Program Performance</del> <del>Requirements; Scheduling Appointments</del>	3-1 thru 3-8
	<u>I. Participation</u>	<u>3-1</u>
	<u>II. Participants Performance Requirements</u>	<u>3-1 thru 3-4</u>
	<u>III. Participants' Satisfactory Progress</u>	<u>3-4 thru 3-5</u>
	<u>IV. Program Performance Requirements</u>	<u>3-5 thru 3-8</u>
	<u>V. Scheduling Procedures</u>	<u>3-8</u>
<b>Section 4</b>	Confidentiality, Participants' Rights and Responsibilities, Good Cause; Fair Hearings, Sanctions, Intentional Program; Violations, Overpayment Procedures	4-1 thru 4-10
	<u>I. Confidentiality</u>	<u>4-1 thru 4-3</u>
	<u>II. Participants' Rights and Responsibilities</u>	<u>4-3</u>
	<u>III. Good Cause</u>	<u>4-4 thru 4-6</u>
	<u>IV. Fair Hearings</u>	<u>4-7</u>
	<u>V. Sanctionable Acts</u>	<u>4-8</u>
	<u>VI. Sanctioning Procedures</u>	<u>4-9 thru 4-10</u>
	<u>VII. Overpayment Procedures</u>	<u>4-10</u>

	<u>VIII. Intentional Program Violation</u>	<u>4-11</u>
<b>Section 5</b>	Work Evaluation	5-1 thru 5-5
	<u>I. General Provisions</u>	<u>5-1</u>
<b>Section 6</b>	Case Management	6-1 thru 6-2
	<u>I. General Provisions</u>	<u>6-1</u>
	<u>II. Functions</u>	<u>6-1 thru 6-2</u>
<b>Section 7</b>	Family Contract Amendment (FCA)	7-1 thru 7-2
	<u>I. General Provisions</u>	<u>7-1</u>
	<u>II. Procedures</u>	<u>7-2</u>
<b>Section 8</b>	Pre-Training	8-1 thru 8-2
	<u>I. General Provision</u>	<u>8-1</u>
	<u>II. Pre-Training Activities and Procedures</u>	<u>8-1 thru 8-2</u>
<b>Section 9</b>	Field Training	9-1 thru 9-3
	<u>I. General Provisions</u>	<u>9-1 thru 9-2</u>
	<u>II. Field Training Procedures</u>	<u>9-2 thru 9-3</u>
<b>Section 10</b>	Education and Training	10-1 thru 10-3
	<u>I. General Provisions</u>	<u>10-1</u>
	<u>II. Types of Education</u>	<u>10-1</u>
	<u>III. Procedures</u>	<u>10-2 thru 10-3</u>
<b>Section 11</b>	Work Activity Services	11-1 thru 11-3
	<u>I. General Provisions</u>	<u>11-1 thru 11-2</u>
	<u>II. MaineServe</u>	<u>11-2</u>
	<u>III. Transitional Employment for Maine Parents (TEMP)</u>	<u>11-3</u>
	<u>IV. Providing Child Care Services to Enable Another Participant to Participate in Community Service,</u>	<u>11-3</u>
<b>Section 12</b>	Job Search Activities	12-1 thru 12-3

	<u>I. General Provisions</u>	<u>12-1</u>
	<u>II. Types of Job Search Activities</u>	<u>12-2 thru 12-3</u>
<b>Section 13</b>	Employment	13-1 thru 13-8
	<u>I. General Provisions</u>	<u>13-1</u>
	<u>II. Types of Employment Services</u>	<u>13-1</u>
	<u>III. Procedures</u>	<u>13-2 thru 13-5</u>
	<u>IV. Displaced Employee Grievances</u>	<u>13-6 thru 13-8</u>
<b>Section 14</b>	Support Services and Payment Provisions for Services	14-1 thru 14-9
	<u>I. General Provisions</u>	<u>14-1</u>
	<u>II. Support Service Benefits, Payment Provisions and Procedures</u>	<u>14-2 thru 14-8</u>
	<u>III. Employment Support Services</u>	<u>14-8</u>
	<u>IV. Promptness of Payment of Support Services</u>	<u>14-8</u>
<b>Section 15</b>	Reduction of ASPIRE-TANF Services when Funding is Inadequate	15-1 thru 15-2
	<u>I. General Provisions</u>	<u>15-1</u>
	<u>II. Service Reduction Due to Funding Inadequacy</u>	<u>15-1 thru 15-2</u>
<b>Section 16</b>	Parents as Scholars Program	16-1 thru 16-5
	<u>I. Authorization</u>	<u>16-1</u>
	<u>II. Philosophy</u>	<u>16-1</u>
	<u>III. General Provisions</u>	<u>16-1 thru 16-4</u>
	<u>IV. Administration</u>	<u>16-4 thru 16-5</u>
<b>Section 17</b>	TANF Time Limit Extensions	17-1 thru 17-9
	<u>I. General Provisions</u>	<u>17-1</u>
	<u>II. Pre-Termination Notice and Conference</u>	<u>17-1 thru 17-3</u>
	<u>III. Temporary Hardship Extensions</u>	<u>17-3 thru 17-8</u>
	<u>IV. Temporary Hardship Extension Granted</u>	<u>17-8 thru 17-9</u>



**Section 18**

<u>V. End of A Temporary Hardship Extension</u>	<u>17-9</u>
<u>VI. Right to Appeal</u>	<u>17-9</u>
Working Cars for Working Families	18-1 thru 18-13
<u>I. Authorization and Scope</u>	<u>18-1</u>
<u>II. Administration</u>	<u>18-1 thru 18-2</u>
<u>III. Eligibility Determination Process</u>	<u>18-2 thru 18-4</u>
<u>IV. Basic Eligibility Criteria</u>	<u>18-4 thru 18-8</u>
<u>V. Assessment</u>	<u>18-8 thru 18-9</u>
<u>VI. Participation and Continued Eligibility Requirements</u>	<u>18-9 thru 18-14</u>
<u>VII. Termination and Appeal</u>	<u>18-14 thru 18-15</u>

## INDEX

<b>Subject</b>	<b>Section</b>	<b>Subsection</b>	<b>Pages</b>
<b>A.</b>			
Adult entertainment	4	IX	4-10
apprenticeship	13	II.B.	13-1
ASPIRE-Plus	13	II.A.	13-1,2,3,4
assessment	5		5-1 thru 5
auto liability insurance	14	II.D.	14-5
auto repairs	14	II.C.	14-4
auto purchase program	18		18-1 thru 18-13
<b>B.</b>			
books and supplies	14	II.H.	14-5
<b>C.</b>			
case management	6		6-1,2
child care	14	II.A.	14-1 thru 3
clothing and uniforms	14	II.I.	14-6
confidentiality	4	I.	4-1, 2, 3
<b>D.</b>			
definitions	1		1-1 thru 6
dental care	14	II.F.	14-5
displaced employee grievances	13	IV.	13-6 thru 8
<b>E.</b>			
education and training	10		10-1 thru 3
education, procedures	10	III.A.-J.	10-2, 3

education, training expenses	14	II.G.	14-5
education, types of	10	II.A.-D.	10-1, 2
employment	13		13-1 thru 8
extensions	17	I-VI	17-1 thru 17-9
<del>eye care</del>	<del>14</del>	<del>II.D.</del>	<del>14-5</del>
<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>
<del>eye care</del>	<del>14</del>	<del>II.D.</del>	<del>14-5</del>

<b>F.</b>			
fair hearings	4	V.	4-6, 7
family planning	8	E.2.a.	8-2
Family Contract	2	IV.C.2.a.	2-5
	7	I.B., C.	7-1, 2
	7	II.A.-E.	7-2
	8	I.B.,C.,D.	8-1
	12	I.	12-1
	14	I.A.,B.,D.,F.	14-1 thru 14-9
	15	II.	15-1, 2
fee-for-service agreements	14	II.L., M., N.	14-6, 7
field training	9		9-1, 2, 3
Fraud investigation and Recovery Unit (FIRU)	1		1-3
<b>G.</b>			
Gambling facility	4	IX	4-10
GED preparation and training	8	C.	8-2
good cause	4	III.	4-4, 5
<b>H.</b>			
high school diploma programs	8	B.	8-2

<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>
<b>I.</b>			
Intentional Program Violation (IPV)	4	IX	4-10
<b>J.</b>			
job readiness activities	8	E.	8-2
job search	3		3-2, 4
	3		3-6, 7
	12		12-1, 2, 3
<b>K.</b>			
<b>L.</b>			
life management skills	8	E.1.	8-2
Liquor sales	4	IX	4-10
<b>M.</b>			
MaineServe	3	IV.A.3.	3-6
		IV.B.2.	3-6
	11	I.A.-O.	11-1,2
		II.A.-C.	11-3
Matriculation	16		16-1
<b>N.</b>			
non-traditional employment	13	II.D.	13-2
		III.D.	13-6
<b>O.</b>			
occupational expenses	14	II.J.	14-6
on-the-job training (OJT/ASPIRE-Plus)	13	II.A.	13-1
		III.	13-2, 3,4
orientation	2		2-5, 6
	3		3-8
	5		5-1
	7		7-2
Overpayment Procedures	4	VIII.	4-9, 10
<b>P.</b>			
parenting education	8	E.2.C.	8-2

---

Parents as Scholars	16		16-1 thru 5
participant's performance requirements:			
Single Parent Household	3	II.A.	3-1, 2
Two Parent Household	3	II.B.	3-3, 4
Teen Parents	3	II.B	3-2
participants' rights and responsibilities	4	II.	4-3, 4
participants' satisfactory progress	3	III.A.,B.	3-4, 5
participation	3	I.A.	3-1
payment of support services	14	IV.	14-8, 9

<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>
period of enrollment	2	IV.C.3.c.	2-6
	14	I.F.	14-1
	14	II.D.	14-4
	14	II.F.	14-5
	14	II.J.,K.	14-7

<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>
pre-training program:	8		8-1, 2
administration	2	IV.	2-3 thru 5
authorization	2	I.	2-2
goals and objectives	2	III.	2-3
performance requirements - single parent family	3	IV.	3-5, 6
performance requirements - two parent family	3	IV.	3-6, 7
<b>Q.</b>			
<b>R.</b>			
relocation costs	14	II.K.	14-6
remedial education	8	D.	8-2
responsibilities of:			
ASPIRE-TANF staff	2	IV.C.3.	2-5
OFI eligibility staff	2	IV.C.2.	2-4, 5
return of purchased goods	14	II.M.	14-7
<b>S.</b>			
sanctionable acts	4	VI.	4-8, 9
scheduling procedures	3	VI.	3-7, 3-8
self-employment	13		13-2
	13		13-4, 5
service delivery areas	15		15-1, 2
service reduction	15		15-1, 2
suitable employment	13	III.E.	13-5, 6
support services	14		14-1 thru 9

<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>
<b>T.</b>			
Transitional Employment for Maine Parents (TEMP)	11	I., III.	11-1, 2, 3
transportation	14	II.B.	14-3, 4
two parent family	3	II.C.	3-3, 4
<b>U.</b>			
<b>V.</b>			
<b>W.</b>			
work activities	1 3	IV.	1-5 3-5 thru 7
work activity services	11	11-1, 2, 3	
work evaluation	2 5 13	IV.C.3.b. I.A.	2-5 5-1 thru 5 13-1
work experience	3	IV.	3-5 thru 7
work readiness activities	8	II.E.2.	8-2
Working Cars for Working Families	18		18-1 thru 18-13
<b>X.</b>			
<b>Y.</b>			
<b>Z.</b>			



(XXX, 2020)

1-1

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 1: DEFINITIONS AND DESCRIPTIONS**

**I. Summary:** This section describes organizational units, programs, acronyms and significant terms pertaining to the ASPIRE-TANF program.

**II. DEFINITIONS**

Organizational units, programs, and their acronyms, and other significant terms pertaining to ASPIRE-TANF are defined below:

- A. **Alternative Aid** — A voucher program which provides assistance to individuals who seek short-term assistance to obtain and/or retain employment. ~~Pursuant~~ pursuant to 22 M.R.S. § 3763(8). The intent of Alternative Aid is to assist families to remain self-supporting by providing vouchers to eligible families' worth ~~up to~~ three (3) months of TANF benefits.
- B. **Alternative Education** — An educational program that embraces subject matter or teaching methodology that is not generally offered to students of the same age or grade level in traditional school settings.
- C. **ASPIRE-Plus** — ASPIRE-Plus is an On-the-Job training program that provides an employer subsidy for up to 26 weeks, depending on the length of training time needed, of up to 50 percent of the hourly wage paid by the employer.
- D. **ASPIRE-TANF** — "ASPIRE-TANF" stands for Additional Support for People in Retraining and Employment - Temporary Assistance for Needy Families. ASPIRE is the welfare employment and training program created by the Governor and the Maine Legislature in July 1988, to provide case management, education, training, support and employment services to help TANF recipients to find or create jobs in the local labor market.
- E. **ASPIRE-TANF Unit** — A unit within the Department of Health and Human Services, Office for Family Independence, or an agent or contractor thereof, which provides ASPIRE-TANF services to TANF participants. These services include but are not limited to Assessment, prevocational activities, support services, Good Cause determination, case management and employment services.
- F. **Assessment** — An individualized process designed to integrate the array of ASPIRE-TANF services with the educational and vocational needs, interests and abilities of each participant.

**Commented [MH1]:** Do you want to add a definition for "Alternative Aid," (per 22 MRS 3763(8)), which I believe is one of the 3 eligibility groups and the term is defined in the RFP?

(XXX , 2020)

1-2

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- G. **Basic Literacy Level** — The capability to read and write at a level equivalent to an 8th or 9th grade level as demonstrated either by an educational achievement test; maintaining a grade point average of at least 2.0 at a post-secondary institution; or having passed the reading portion of a high school equivalency test.
  
- H. **Case Management** — The process of identifying the needs of the participant and the participant's family, coordinating services appropriate to meet those needs, and monitoring the participant's progress through ASPIRE-TANF so the participant can gain the skills and support to obtain employment.

(XXX , 2020)

1-3

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- I. Child care, affordable**<sup>†</sup> — Affordable child care arrangements are those for which the participant incurs no cost or is reimbursed by another program such as ASPIRE or through a deduction for child care from income by the TANF program or by any combination of these methods.
- J. Child care, appropriate**\* — Appropriate child care is affordable child care furnished by a child care provider, of the participant's choice, who has passed background checks as required by 22 M.R.S. §§ 8301-A and 8302-A.
- K. Child care, reasonable distance**\* — Reasonable distance means that the ASPIRE participant is required to commute no more than 15 additional miles between home and work activity in order to transport the child to the child care provider.
- L. Child care, unsuitability of informal care**<sup>†</sup>  
— Unsuitable child care is that provided by an individual who cannot pass a required background check or is unaffordable or would require the ASPIRE participant to travel an unreasonable distance.
- M. Component** — Education, training and employment activities approved by ASPIRE-TANF including — pre-training; educational activities through post-secondary level; job skills training; job readiness activities; group and individual job search; on-the-job training; and community work experience.
- N. Department of Health and Human Services (Department or DHHS)** — The agency authorized by Federal statutes to administer the ASPIRE-TANF program and other programs within the Office for Family Independence as well as its agents and contracted providers.
- O. Education** — Activities including remedial-education, high school or equivalency, and post-secondary certificate programs designed to prepare the participant for employment.
- P. Exempt from the Time Limit** — A month or months that do not count against a participant's 60-month time limit.

**Commented [MH2]:** What is authority for applying requirements only to single parents with child under 6?

**Commented [DME3R2]:** It's more of a practical matter. The only use of the term "affordable" or "appropriate" child care is in Section 4 (V)(B)(5) which only applied for single custodial parents of a child under 6.

Also, this is not a true change of text. We just moved it into the footnotes.

\* these definitions apply only to single parents with a child under age 6.

† these definitions apply only to single parents with a child under age 6.

(XXX , 2020)

1-4

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**Q. Exempt from Work Participation** — A TANF recipient who is not required to participate in ASPIRE-TANF in accordance with Federal or State regulations.

**R. Extension** — A one to six-month time period during which TANF benefits may be received, based on hardship, approved by the Department. An extension allows a household to receive benefits past its 60-month time limit, when the recipient is complying with program rules and meets all other TANF eligibility requirements.

MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES

**S. Fair Hearing (also known as an Administrative Hearing) —** A hearing conducted before a Department of Health and Human Services hearings officer in which a participant has an opportunity to dispute a decision made by the Department. The hearings officer’s decision is binding on all parties involved in the particular case.

**T. Family Contract —** A form signed by a representative of the Department and each TANF caretaker relative that states the responsibilities of the parties to the agreement, including but not limited to cooperation in child support enforcement and determination of paternity, and the requirements of program participation. The contract may also include referral to parenting activities and health care services where the need for such services has been established.

**U. Family Contract Amendment (FCA) —** The binding agreement ASPIRE participants enter into with the Department, ASPIRE Unit, pursuant to 22 M.R.S. § 3788 (4-A). In these agreements, specific action steps are listed that both the Department and the participant agree to perform. ASPIRE support services to be provided are listed in the FCA.

**V. Federal Department of Health and Human Services, Administration for Children and Families, Office of Family Assistance (HHS/ACF/OFA) —** The federal agency that administers and regulates the TANF Program and other programs of the Department of Health and Human Services, Office for Family Independence, and provides block grant funds for these programs.

**W. Field Training —** A non-wage, time limited, training placement with a public, private non-profit or profit employer which enables the participant to explore a preliminary career decision, gain experience in the work world and/or improve specific job skills.

**X. Fraud, Investigation and Recovery Unit (FIRU) —** the unit in the Department responsible for investigating allegations of misuse, fraud, and over-payments. The unit also is responsible for seeking repayment when appropriate or referring the matter to the Attorney General’s office for prosecution.

**Y. Food Supplement Employment and Training (FSET) —** The employment and training program administered under 7 C.F.R. § 273.7, 22 M.R.S. § [redacted] and 10-144 C.M.R. chapter Ch. 609 that provides case management, education, training, supports and employment services to help Food Supplement recipients find and keep jobs.

- Commented [MH4]:** This is the general SNAP authority statute. Nothing about FSET.
- Commented [MH5]:** This is the general SNAP authority statute. Nothing about FSET.
- Commented [DME6R5]:** Nothing in state law specifically authorizes FSET. Federal regulations require FSET if we operate Food Supplement. So, the state law requiring Food Supplement, by extension, requires FSET.
- Commented [MH7]:** Why are we including FSET here if it’s governed under separate rules?
- Commented [DME8R7]:** We are providing a definition because the term is used in this Rule.
- Commented [MH9]:** Why are we including FSET here if it’s governed under separate rules?

(XXX , 2020)

1-6

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**Z. Gainful Employment** — Activities that a person can perform which are intended to provide an income and which are a source of consistent revenue for the worker, such as a steady job.

**AA. Good Cause** — Acceptable reasons, as determined by the Department of Health and Human Services, for a participant's failing or refusing to participate in ASPIRE-TANF or in a particular ASPIRE-TANF component.

(XXX , 2020)

1-7

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- BB. Higher Opportunity for Pathways to Employment (HOPE) —** The program administered under 22 M.R.S. § 3790-A, and 10-144 C.M.R. chapter 330, that provides support services such as child care and transportation and voluntary student navigation services to help low income students who are parents of minor children.
- CC. Intentional Program Violation (IPV) —** An IPV occurs when an individual has purposely misused “cash benefits” or other benefits, and/or misrepresented actual circumstances in order to receive benefits, and the individual would not have been eligible had the proper information been available at the time of application, redetermination of eligibility, or within ten days of the change in circumstances. An IPV will result in a referral to the Fraud, Investigation and Recovery Unit (FIRU) for further review and recovery.
- DD. Job Club —** A structured and supervised job search group which assists participants in their efforts to obtain and retain employment.
- EE. Job Development/Placement —** Specific actions by ASPIRE-TANF or a service provider in identifying subsidized and unsubsidized jobs, marketing participants based on their career goals for those jobs and securing job interviews for participants.
- FF. Job Readiness —** Pre-training activities focusing on life management skills, work maturity skills, work place expectations and work behavior and attitudes necessary to succeed in the labor market.
- GG. Job Search —** Counseling and pre-employment training on job-seeking skills either individually or in groups. The group "Job Club" is the preferred job search activity.
- HH. Job Skills Training —** Vocational training focusing on the required skills, knowledge and abilities of a specific occupation or business.
- II. MaineServe —** A community service program designed to provide parents who are eligible for TANF opportunities to serve their communities and the State in a manner that assists them in developing and renewing their skills in ways that may lead to employment that is sufficient to sustain their families.
- JJ. Matriculation —** For the Parents as Scholars Program, matriculation is defined as acceptance and enrollment into any two-year or four-year academic program in an institution of post-secondary education.

(XXX , 2020)

1-8

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**KK. Net Loss of Cash income** — Net loss of cash income results if the family's gross income, less necessary work-related expenses, is less than the TANF benefit and any other cash assistance the participant was receiving at the time the offer of employment is made.

**LL. Non-Compliance** — Failure of a mandatory ASPIRE recipient to sign or abide by the terms of the Family Contract Amendment without Good Cause, which will result in termination of benefits to the individual for the lesser of ninety (90) days or until the failure to comply ceases.

**MM. Office for Family Independence (OFI)** — The organizational unit with the Department of Health and Human Services which administers the ASPIRE-TANF program. OFI also administers the following services: TANF, Food Supplement Benefits (SNAP), General Assistance, MaineCare, HOPE, Support Enforcement and Recovery, and Emergency Assistance.

**NN. On-the-Job Training (OJT)** — A means by which a participant is hired and trained in a specific occupation by a private or public employer who receives a partial reimbursement of wages paid for providing skills and training necessary to perform the job (See ASPIRE-Plus).

**OO. Order of Reference** — A document in which the Department's Commissioner gives specific instructions to the Office of Administrative Hearings regarding the issues to be addressed at hearing and the handling of a hearing request. These instructions may include, but are not limited to, an instruction that the Hearing Office issue recommended findings and a recommended decision with the authority to make the final findings and decision reserved to the Commissioner.

**PP. Parents as Scholars Program (PaS)** — A student aid program based on need for up to 2,000 participants, to aid needy students who have dependent children and who are matriculating in post-secondary undergraduate 2-year and 4-year degree-granting education programs.

**QQ. Participant** — A TANF recipient who is involved in ASPIRE-TANF activities or any individual receiving supports under one or more of the programs detailed in this Chapter.

**Commented [MH10]:** Consider amending definition to be more broad.

**Commented [DME11R10]:** Done

**RR. Period of Enrollment** — The time frame from the opening of activity with the ASPIRE-TANF program, until participation with ASPIRE-TANF is ended.

**SS. Pre-Training** — Activities designed to prepare the participant for occupational skills training, post-secondary education and employment. Such activities include secondary



**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

education programs, job readiness activities, employment counseling, field training, self-employment evaluation, and referral to services to improve life-management skills.

**TT. Sanctions** — Actions taken by the Department of Health and Human Services as a result of a participant's failing or refusing to participate in ASPIRE-TANF without Good Cause. These actions generally cause a reduction in TANF and Food Supplement benefits for a specified time period for participants who are not exempt, and a loss of services for a specified time for voluntary participants.

**UU. Satisfactory Progress** — The requirement that a participant meet standards of performance imposed by an educational or training institution and by ASPIRE-TANF while participating in an education or training activity.

**VV. Support Services** — Services such as child care, transportation, eye and dental care, which enable the participant to complete the Family Contract Amendment and take employment.

**WW. TANF Recipient** — An individual whose family's financial needs are met in part with TANF payments in accordance with the Maine Public Assistance Manual.

**XX. TANF Single Parent Family** — A TANF family which receives benefits under the program authorized in the Federal Social Security Act, as amended by the *Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996*, and the *Deficit Reduction Act (DRA) of 2005*, whose children are deprived of parental support or care by reasons other than the underemployment of the parent who is the principal wage earner, or the incapacity of a parent.

**YY. TANF Two Parent Family** — A TANF family which receives benefits under the program authorized in the Federal Social Security Act, as amended by the *Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996*, and the *Deficit Reduction Act (DRA) of 2005*, whose children are deprived of parental support or care either by reason of the underemployment of the parent who is the principal wage earner, or by reason of incapacity of a parent.

**ZZ. Time Limit** — The limit of 60 months during which a family may receive TANF assistance in the absence of the family qualifying for a time limit exemption or extension.

(XXX , 2020)

1-10

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**AAA. Training and Work Site Agreement** — An agreement which is included as part of the Family Contract Amendment and which stipulates specific performance requirements for a participant enrolled in education, training and/or work experience.

**BBB. Transitional Employment for Maine Parents (TEMP)** — a volunteer work experience position.

**CCC. UP** — Unemployed Parent refers to the cases where TANF eligibility is based on the unemployment or under-employment of one of the parents in the household.

**DDD. Up-front Job Search** — Newly-granted TANF recipients who are considered job-ready, and who are eligible for TANF based on unemployment of the primary wage earner or single parent recipients whose children are 5 years of age or older, may participate in individual or group job search activities during the work evaluation phase of involvement with ASPIRE-TANF.

**EEE. Voluntary Participant** — A TANF recipient who is not required to participate, by Federal or State regulations but chooses to enroll in ASPIRE-TANF.

**FFF. Work Activities** — Work activities are those activities that are allowable under PRWORA (Sec. 407, (d)), and are listed in this manual in Section 3 (IV)(A)(3) and (IV)(B)(2).

**GGG. Work Eligible Individual (WEI)** — An adult, or a minor child, who is a head of household, receiving assistance under TANF or a separate State program, who is not otherwise exempted from meeting a work requirement.

**HHH. Work Evaluation** — Consists of all activities related to Assessment, employability plan development and initial amendment to the Family Contract Amendment. Work evaluation is limited to a maximum of 90 days, unless extended by the Commissioner (or the designee of the Commissioner).

**III. Work Experience** — This is a generic term used to describe a variety of experiential activities (such as TEMP, On-the-Job Training, Community Service, etc.) that lead to, or include, employment.

**JJJ. Work Readiness Activities** — These activities include job shadowing, job coaching, mentoring, situational assessment, and any other activity that will encourage obtaining or retaining employment.

(XXX , 2020)

1-11

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**KKK.** **Working Cars for Working Families** ~~Temporary transportation — Transportation~~ assistance program ~~pursuant to~~ **initiated by** 22 M.R.S. § 3769-F, which assists participants in obtaining and maintaining sustainable employment by providing them with access to reliable, affordable transportation. This program is designed to be an employment support and to comply with applicable federal TANF regulations.

**END OF SECTION**

1 (XXX, 2020)

18-1

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**SECTION 18: WORKING CARS FOR WORKING FAMILIES**

**SUMMARY:** This section describes the ~~temporary~~ Working Cars for Working Families Program (referred to in this Section as “the Program”), which is created to provide transportation for low-income individuals to obtain and retain ~~sustainable~~ employment. This Section establishes the Program, sets out eligibility and ongoing participation criteria, and describes the application and decision-making processes.

**I. AUTHORIZATION AND SCOPE**

The Department is ~~authorized~~~~required~~ to operate the Working Cars for Working Families Program by 22 M.R.S. § 3769-F. ~~The authorization~~~~This requirement expires as of July 1, 2022, at which time. Pending the Program shall be repealed.~~ ~~availability of funding and other resources, the Department may continue to operate the program.~~ The purpose of the Program is to ~~temporarily~~ assist participants in obtaining and maintaining sustainable employment by providing them with access to reliable, affordable transportation.

**II. ADMINISTRATION**

~~A.~~ ~~General~~ ~~— Until July 1, 2022, and subject —~~ Subject to the availability of funds, the Department shall administer the Working Cars for Working Families Program in accordance with this Section, ~~once operational infrastructure is complete, which may occur after the adoption date of this rule.~~ The Program shall provide transportation solutions to eligible program participants, ~~pursuant to the~~ most effective and efficient way to achieve that goal with the limited resources and time period provided under statute.

~~A.B.~~ ~~Services~~ ~~—~~ The Program will include different transportation options. Such options may include, without limitation ~~— furnishing purchased or donated vehicles to participants; coordinating public or private transportation; facilitating car shares among participants; ride or shuttle service; or providing driver instruction or education.~~ ~~These rules include some provisions that expressly apply only to certain such options, but nothing in these rules or in those specific provisions shall be construed to require the Department to provide such options.~~

1. furnishing purchased or donated vehicles to participants;
2. coordinating public or private transportation;
3. facilitating car shares among participants;
4. ride or shuttle service; or
5. providing driver instruction or education.

~~These rules include some provisions that expressly apply only to certain such options. Which options shall be afforded to any individual will be based on the availability of the option, the suitability of that option to solve the particular individual’s barrier to sustainable employment, and the desire of the individual to accept that option.~~

**Commented [MH12]:** Rules are meant to be enforceable requirements both on those who are eligible for benefits, providers of those benefits, as well as the Department. This type of discretion is problematic. If the Department does not wish for beneficiaries to enforce any particular type of assistance, then it should not include detailed rule provisions for same. I suggest you delete this sentence.

MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES

B.C. Definitions –

1. ~~“Sustainable employment” is~~ employment that leads or is expected to lead to a family ending its financial need for cash assistance, including TANF, PaS, and Alternative Aid. “Employment” within the meaning of this Section does not include self-employment or any form of employment that involves a subsidy to the employer.

2. ~~“Earned income” is as defined in~~ Earned income — Cash or in-kind benefits received as payment for work performed either as an employee, through the receipt of wages, salaries, tips, or commissions. Earned income does not include income from self-employment or income from employment that involves a subsidy to the employer.

D. Funding Contingencies -- Pursuant to authorizing statute, funding for the Working Cars for Working Families Program is limited to \$6,000,000 allocated from the federal TANF block grant accrued prior to state fiscal year 2017-2018. If the Department finds that its continued administration of the Program will or is reasonably likely to exhaust that funding before June 30, 2022, it will follow the procedures in this subsection to minimize the impact on program participants.

1. If funding allows, the Department shall stop accepting or processing new applications or Transportation Program Agreements (see Subsection VII), and shall continue to honor all current, signed Agreements to their completion date.

2. If funding is not sufficient to maintain current programming as described in subparagraph 1, the Department shall reduce specific transportation services and/or the frequencies with which such services are provided, giving at least 14 days’ notice to affected program participants. The Department shall effectuate reductions and eliminations under this subsection across the board to all participants, not make case-by-case elimination or reduction decisions.

3. If funding is not sufficient to maintain current programming as provided in subparagraph 1 or to equitably reduce or eliminate programming as provided in subparagraph 2, the Department shall terminate all Transportation Program Agreements and end all services, providing at least 14 days’ notice to program participants.

4. The Department will notify program participants of reductions or program termination no less than 14 calendar days in advance of the reduction or termination of service.

5. Categorically applicable denials, reductions, and service terminations based on funding limitations are not subject to administrative appeal.

2. ~~III 10-144 C.M.R. Ch. 331 Introduction and Definitions and limited by~~ Subsection III (B) of this Section.

IV. ELIGIBILITY DETERMINATION PROCESS

A. General -- The Department shall determine program eligibility and enrollment as follows:

Commented [MH13]: See memo. Please let’s discuss.

Commented [DME14R13]: Transportation is not often a barrier to self-employment. To the extent that it is, transportation is generally a part of the income producing process. This program is not intended to subsidize those businesses.

Commented [ST15]: Subsidized employment is not an option in the ASPIRE program and we would like to maintain consistency across programs.

Commented [MH16]: These provisions are too vague. Generally they permit DHHS to change the requirements of the program – outside the rulemaking process - at any time they determine finding is insufficient.

Suggest removal of subpart (C). Highlighted language is particularly problematic.

Commented [DME17R16]: This provision is consistent with 10-144 C.M.R. Ch. 607 § 15.

Commented [MH18]: What dollar figures or other objective criteria or factors will the Department utilize in making determinations? Who will decide? DHHS or the contracted vendor? What type of notice will be issued to participants?

Commented [DME19R18]: A specific dollar amount cannot be set as the standard will change based on the number of participants and level of supports. This is also necessary in case the legislature re-appropriates or re-allocates the funds.

Commented [MH20]: What does this last sentence mean?

Commented [DME21R20]: Reworked. The idea is that all participants are treated the same. There are no decisions made on an individual basis as a result of this lack of funding which is outside of the Department’s control.

Commented [DME22]: When an entire program is eliminated due to lack of funding, no specific individual is aggrieved, and appeal rights do not apply. This is consistent with changes made to all of our programs due to Federal changes to budgeting FPLs etc.

Commented [MH23]: Dept should state more clearly what it wants “Earned Income” to mean for purposes of this rule. For example, copy and paste the definition from the separate rule here so it is in one place, and state clearly what limits the Dept. wants to apply.

MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES

1. The Department shall determine whether an application meets the financial and nonfinancial program eligibility criteria set out in Subsection ~~V~~IV;

2. If the Department finds that an application meets the eligibility criteria, it will notify the applicant, and schedule and conduct an in-person assessment with the applicant, in accordance with Subsection ~~VI~~V (Assessments may be conducted through a virtual meeting platform, rather than in-person, under extraordinary circumstances such as a public health emergency.); and

3. If the Department finds that Program participation is appropriate for ~~determines an individual eligible for this program per the applicant~~ financial and non-financial criteria detailed in this Section, it will ~~shall~~ determine whether there are available Program resources that would remediate ~~remedy~~ the applicant's transportation barriers to employment.

B. Application -- To facilitate the process described in Subsection IV (A), the Department shall develop a uniform application for the Program, which will allow the Department to evaluate an applicant's eligibility under Subsection V. The application will also include a list of potential transportation services ~~available~~, from which the applicant may indicate the specific service(s) sought. Applicants may submit completed applications at any of the Department's regional offices or at statewide offices where ASPIRE services are provided. The application date will be the date a valid application is received. To be considered valid, the application must include the minimum information necessary to make an eligibility determination as detailed in IV below. If an incomplete application is received, but it contains contact information, the Department will take steps to aid in its completion.

C. Enrollment -- The Department shall determine whether an applicant ~~may~~ is eligible to receive transportation ~~Program~~ services under this Section —and if so, what ~~specific~~ available services to provide—based on the following:

1. The Department's review of the applicant's eligibility under the Basic Eligibility Criteria in Subsection V, including the applicant's timely production of any necessary or requested verifications that confirm such eligibility;

2. The applicant's timely compliance with requests for verification and attendance at the scheduled assessment;

3. The Department's review of the applicant's transportation needs, employment situation, and suitability for the Program, in accordance with Subsections V and VI; and

4. The availability of Program resources, and non-program alternatives, that will reasonably address the applicant's transportation needs ~~Transportation Need as defined by IV(B) below~~.

If in its evaluation of factors 1-4, the Department determines that participation in the Program is appropriate, it will notify the applicant in accordance with Subsection IV (D). Program

Commented [MH24]: Zoom or telephone sufficient?

Commented [DME25R24]: Under extraordinary circumstances. Language added.

Commented [MH26]: Too vague.

Commented [MH27]: The application should list available services, not ones that "might" be available.

Commented [DME28R27]: Reworked. We want to be clear that we are not customizing the application for each individual.  
1)Options may come and go as technologies change and bus lines gain or lose funding. We do not plan to throw out and reprint thousands of applications if that happens.  
2)Options will vary from region to region. Busses may be available in Portland but not East Millinocket. The Application needs to be usable state-wide.  
3)Circumstances will vary from individual to individual. Driver Ed or Driving Dynamics may be a solution for one individual but not another. We can't put the idea out there that all options on the application are available to all applicants.

Commented [DME29]: Text added to help clarify this step of the application process.

Commented [MH30]: Whatever services are available are not defined in this rule.

Commented [DME31R30]: The services are outlined in II(B). A specific list would be overly restrictive and not allow for changes in services or technologies.

The intent of this statement is to say that the Department will determine if the applicant is eligible for the program at all, and if so, what available services best meet their need.

Commented [MH32]: Vague. What is required for people to get services?

MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES

enrollment and service delivery shall not occur until the qualified applicant has executed a Transportation Program Agreement under Subsection VII (A).

D. Decision — Within 30 days of receiving a complete application, the Department will issue a written determination of eligibility at the conclusion of its evaluation. If the applicant is not deemed eligible and qualified for the program pursuant to Subsections V or VI, or if the Department determines that the applicant will receive a transportation service that is not the applicant’s first preference, then the notice will identify the reason(s) for the denial or for the particular service selection. The decision will be provided to the applicant within thirty (30) calendar days of the date the Department receives the completed written application, provided the applicant has replied to requests for verifications in a timely manner and attended completed the scheduled assessment. The notice of decision will include information on appeal rights. ~~rights~~ ~~contact the department~~ ~~schedule another assessment.~~ ~~If they do not contact the Department within the ten days, they will be dropped from the waitlist.~~

Commented [MH33]: Are in person assessments truly necessary? Can you do them via phone or Zoom, etc?

Commented [DME34R33]: Changed “attended” to “completed” also see changes above.

Commented [MH35]: Give the right to an appeal.

E. ~~Waitlist — If the transportation service that an eligible individual requires is not immediately available, the Department will maintain a waitlist that will include the individual’s contact information, affirmative eligibility determination, and service request. When the service becomes available, the applicant will be contacted by their preferred method of contact that the individual stated during their Assessment (e.g., telephone, text, email, written postal mail). If the individual does not respond to that preferred method of contact within two (2) business days, they will be mailed a written notice, which, if more than sixty (60) days after the applicant’s first assessment, will include the date and time of a new Assessment appointment. If the waitlisted participant fails to contact the Program within ten (10) business days of the date the notice was issued by the Department, the individual will be closed from the Program and removed from all Program waitlists.~~

Commented [MH36]: Within 2 business days of what? Receipt of the notice? How will Dept. know that individual received notice? 2 days is not a long period of time

Commented [MH37]: Let’s work on this language. Confusing.

**IV. BASIC ELIGIBILITY CRITERIA**

A. Financial Eligibility -- Applicants must meet one of the following financial eligibility requirements to receive transportation services as part of the Program:

Commented [MH38]: Where are the services defined?

Commented [ST39R38]: See reworked II(B)

1. As of the date of application, the applicant must be an included member of an open case in Maine for, and be receiving, federally-funded TANF or TANF-PaS; or
2. The applicant’s filing unit (within the meaning of 10-144 C.M.R. Ch. 331, the Maine Public Assistance Manual, Chapter ~~II~~ II, and 22 M.R.S. § 3763(8)) must have gross income at or below the gross income standard applicable to Alternative Aid applicants, pursuant to the Maine Public Assistance Manual, Chapter IX.

Commented [MH40]: Add citations to the regulation that the Dept. seeks to enforce.

Is this the eligibility group from 22 MRS 3763(8)?

Commented [ST41R40]: Yes this is from 22 MRS 3763(8)

B. Transportation Need -- To be eligible for the Program, applicants must demonstrate that adequate reliable transportation is their primary barrier to obtaining or retaining sustainable employment. In assessing this need, the Department may require an applicant to make a written statement as part of the application, explaining the applicant’s transportation limitations and how they impact job prospects. Determining whether an applicant meets this eligibility criterion will require the Department to consider the facts and circumstances of

1 (XXX, 2020)

18-5

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

each individual applicant. At a minimum, the applicant shall provide details concerning, and the Department shall consider, the following:

1. Employment Circumstances -- The applicant must have a reasonable likelihood of obtaining or retaining sustainable employment by participating in the Program. An applicant may meet this requirement by showing the following, or making a similar showing:
  - a. The applicant is actively working thirty (30) or more hours per week, resulting in weekly earned income equal to or in excess of the State of Maine's minimum wage;
  - b. The applicant has a job offer, or offers, that would combine for thirty (30) hours average weekly employment, resulting in earned income equal to or in excess of the State of Maine's minimum wage;
  - c. The applicant has at least one pending job application for a position the applicant is qualified for and prepared to accept, within an hour commute of the applicant's residence;
  - d. Within the last thirty (30) days there have been, or there currently are, at least three posted positions, for which the applicant is qualified and that they would have applied to but for transportation limitations, within an hour commute of the applicant's residence; or
  - e. Within thirty (30) days of Program application the applicant will receive a credential, certification, degree or other similar qualification that will enable the applicant to apply for and accept employment within a field that has had in the last thirty (30) days at least three posted positions within an hour commute of the applicant's residence for which the applicant will be qualified upon receipt of the new credential.
2. Transportation Limitations. An applicant will be eligible for the Program only if they do not have access to sufficient transportation to maintain or obtain sustainable employment. An applicant is **not** eligible for the Program, if—
  - a. They own a vehicle in reliable running condition. The Department will verify ownership, or lack thereof, by searching for active registration with the State of Maine, Bureau of Motor Vehicles (BMV) and with the BMV or any like agency of any other state where the applicant lived within ~~twelve (12)~~ months of applying. If the applicant contends that their vehicle is not in reliable running condition, the Department will require a written statement from a State of Maine licensed vehicle inspection station;
  - b. Another ~~adult living with member of the applicant~~ applicant's TANF household or filing unit owns a vehicle in reliable running condition and does not use the vehicle for work or child care that ~~conflicts~~ with the applicant's actual or anticipated employment schedule. ~~The Department will verify ownership, or lack thereof, by searching for active registration with the State of Maine, Bureau of Motor Vehicles~~

**Commented [MH42]:** This seems too restrictive, given that another adult living with the applicant could simply be a roommate. Suggest deletion.

**Commented [DME43R42]:** Changed to TANF HH. There is financial responsibility in those relationships and the HH has to have been determined in order for financial eligibility to have been established.

**Commented [DME44R42]:** further changed to add filing unit as we use that is the term above.



**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

(BMV) and with the BMV or any like agency of any other state where the individual lived within 12 months of applying. If the applicant contends that the household vehicle is not in reliable running condition, the Department will require a written statement from a State of Maine licensed vehicle inspection station;

- c. Available public transportation can reliably and consistently accommodate the applicant's actual or anticipated schedule of employment hours and child-care-provider-required pick up and drop off times, with an average commute time of no longer than one (1) hour each way; or
- d. They have consistent access to any other form of reliable transportation that does not limit the applicant's ability to accept new employment, increase hours, change their work schedule, or meet child care needs.

C. Additional Nonfinancial Requirements—

- 1. Applicants must meet all of the non-financial eligibility criteria for federally-funded TANF benefits described in Maine Title 10-144 C.M.R. Ch. 331 chapter II with the following exceptions:

- a. Establishing Paternity and Assignment of Rights to Support;
- b. ASPIRE-TANF;

NOTE: This exception does not waive any requirements to participate with ASPIRE based on participation in other TANF-funded programs.

- 2. No applicant is eligible to participate in the Program if at the time of application or subsequent to the application—
  - a. The applicant or another member of the applicant's TANF filing unit has received three (3) or more Department sanctions including from, without limitation—ASPIRE, Division of Support Enforcement and Recovery (DSE), and Quality Control (QC) in the last twenty-four (24) calendar months; or
  - b. The applicant or another member of the applicant's TANF filing unit has had an Intentional Program Violation (IPV) for any needs-based benefit program in Maine, or any other state within the United States.
- 3. Applicants who are mandatory ASPIRE Program participants must meet the following conditions:
  - a. Be in compliance with the terms of their Family Contract Amendment;
  - b. Not have a current sanction for failing to comply with the ASPIRE Program;

1 (XXX, 2020)

18-7

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- c. Not be exempt from ASPIRE work participation requirements. This limitation includes federally allowed exemptions of caring for a disabled family member, or caring for a child under the age of one (1); and
  - d. One of the following:
    - i. Have been successfully meeting the ASPIRE work participation requirements without need for good cause for each of the previous three months, or since beginning participation with ASPIRE, whichever is shorter; or
    - ii. Have had employment of an average of thirty (30) hours per week resulting in weekly earned income equal to or in excess of the State of Maine's minimum wage for each of the previous three months, or since beginning participation with ASPIRE, whichever is shorter; or
    - iii. During the relevant period, have attended full time (as defined by the institution) college courses that resulted in an Associate's or Bachelor's Degree, or attended a training or education course(s) for an average of thirty (30) hours per week that resulted in a work credential.
4. Individuals who are not mandatory ASPIRE Program participants must meet the following conditions:
- a. Qualify as a member of a TANF filing unit, in which a qualifying specified relative is maintaining a home for a child under the age of eighteen (18), or who is eighteen (18) and attending school full time. The provisions of the Maine Public Assistance Manual, Chapter II, apply to determine whether an applicant meets the qualifications under this subsection;
  - b. Be actively working thirty (30) or more hours per week, resulting in weekly earned income equal to or in excess of the State of Maine's minimum wage before receiving any transportation service under the Program; and
  - c. Attend a Program orientation and comply with all requirements associated therewith before receiving any transportation service under the Program.
- D. Additional Eligibility Criteria for Vehicle Access—Applicants requesting to receive access to a vehicle through the Program must meet additional eligibility requirements to receive the service. Applicants otherwise meeting the eligibility criteria in this section may receive other transportation services available through the Program until satisfying the following criteria:
1. Have a current valid driver's license in any state in the United States;
  2. Be at least twenty-one (21) years of age;
  3. Demonstrate the ability to responsibly own and maintain a vehicle. This demonstration includes completion of each of the following courses prior to vehicle delivery, **if the**

MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES

Department provides them courses are available online or within twenty (20) miles of a reasonable distance from the applicant's residence:

Commented [MH45]: Suggest being more specific about these courses to ensure this is a reasonable requirement

- a. Driver safety course (Maine Driving Dynamics);
  - b. Vehicle ownership orientation; and
  - c. Vehicle ownership course including financial preparation.
4. Not have been convicted of any of the following offenses, as determined by self-attestation and a background check:
- a. Operating Under the Influence (OUI), Driving Under the Influence (DUI) or Driving While Intoxicated (DWI) in the past ten (10) years;
  - b. More than two (2) moving violations or at-fault accidents in the past five (5) years;
  - c. Any moving violation in the six (6) months immediately preceding Program enrollment; or
  - d. Any crimes of violence leading to bodily injury of another.

5. Make a down payment to the Department in the amount equivalent to three (3) monthly premium payments, as provided in Subsection VII (C)(2). This payment may be made in no more than three (3) installments, over no more than three (3) months, and may not be waived. Participants may not receive ASPIRE, FSET, or HOPE support services to cover the down payment.

Commented [MH46]: Guessing this could be too prohibitive for many applicants.

E. Verifications -- Except where otherwise specified, above, and unless the Department can obtain verification through its own records or the records of its agents, the Department shall require written or third-party verification of any factor impacting Program eligibility. Failure to respond to requested verifications within ten (10) business days may result in a denial.

Also -- not sure whether this restriction on participants' use of ASPIRE, FSET or HOPE support is permissible. What is the Department's authority?

Commented [DME47R46]: The department has the authority to make these distinctions as part of its overall rule making authority. 22 M.R.S. §§ 42(1) (for rule making in general), 3790-A(6) for HOPE, 3782-A(6) and 3788(9) (for ASPIRE in general), 3769-F (for this program), and 3782-A(4) (for other ASPIRE case management); and 22-A M.R.S. § 212 (for defining eligibility in general).

Commented [DME48]: We are expanding the definition of Department to include agents and vendors acting on the Department's behalf.

**IV. ASSESSMENT**

A. General -- As part of the determination of Program eligibility, the Department or its vendor will conduct an assessment of the applicant to evaluate the applicant's qualifications, particularly with regard to their transportation need, as set out in Subsection V(B). Provided that all eligibility criteria are satisfied, the assessment will also evaluate available transportation service options to determine the option best suited to an applicant's particular situation. The Department may determine, as a result of the assessment, that the applicant may receive program services that are different from the applicant's initial request.

Commented [MH49]: Because of COVID - can't this be done virtually or over the phone?

B. Format and Scheduling -- The assessment will be scheduled verbally or by a written scheduling notice and shall be conducted in person between the applicant and the Department. (Assessments may be conducted through a virtual meeting platform, rather than

Commented [DME50R49]: language added

MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES

~~in-person, under extraordinary circumstances such as a public health emergency.)~~ Failure to attend complete a scheduled assessment without providing ~~twenty-four (24)~~ hours of advance notice and rescheduling at a mutually agreed time no more than one week after the original date may result in a denial. **If it has appropriate information at the time, the** Department may verbally notify the applicant at the time of the assessment that they are eligible for the Program and suitable for an available option. If such a determination is appropriate, the Department and the applicant shall execute a Transportation Program Agreement at that time, and the Department may begin providing Program services immediately, as appropriate. If the Department makes such a determination at the time of the assessment, and the applicant executes a Transportation Program Agreement, the applicant may, at their sole option, elect not to receive a separate written decision about Program eligibility under Subsection IV (D).

**Commented [MH51]:** If the assessment is being done by the vendor, and there is only a single physical location for the vendor in the entire state, it is not practicable to require participants who do not have adequate transportation to travel to that location for an in person assessment.

**Commented [ST52R51]:** Thank you, the Department also shares your concern. The rule does not indicate that there will only be one physical location.

C. The Department ~~or its vendor~~ shall discuss the following with the applicant during the Assessment:

**Commented [DME53]:** expanding the definition of Dept to include vendors

**Commented [ST54R53]:** In addition, please see 22 M.R.S. §§ 3782-A(2) and 3786

1. Any information in or missing from the application that is relevant to eligibility criteria set out in Subsection V;
2. Any information in or missing from requested verifications;
3. The applicant's current employment status, including details concerning earnings and scheduled work hours;
4. The applicant's employment history from the past twenty-four (24) months, to include self-employment and subsidized employment;
5. Transportation resources currently available to the applicant;
6. The applicant's method of transportation used in the past twelve (12) months;
7. The applicant's current or anticipated travel route to child care and employment;
8. Details of any vehicles owned or registered to the individual to include, but not limited to, outstanding loans, year, make, model, mileage, condition, current status of title, registration, inspection, liens, and insurance;
9. Driving background to include a review of a background check which shall include searches of the State Bureau of Investigation (SBI) and Maine's Bureau of Motor Vehicles (BMV) records;
10. Any other matter that impacts the applicant's Program eligibility or suitability for a service or set of services; and
11. Information on the applicant's preferred method of ~~contact~~.

**Commented [MH55]:** Add a new major subsection to describe services provided by this program. Either here or before the Eligibility section would be a good place.

See rule review memo and Transportation Service Requirements from RFP, which describes specific services required. These details should be in the rule so participants are aware of services to which they may be entitled.

**Commented [DME56R55]:** See reformatting of II(B)

**IV. PARTICIPATION AND CONTINUED ELIGIBILITY REQUIREMENTS**

MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES

A. Program Agreement -- Prior to receiving any services under the Program, and before any changes to services can take effect for ongoing cases, participants must execute with the Department a Transportation Program Agreement (Agreement).

- 1. Form and Duration -- The Agreement must be reviewed and renewed no less often than once every six ~~(6)~~ months, or whenever there is a material change in a participant's employment or transportation circumstances.
- 2. Effect -- The participant shall comply with the terms of their Agreement, and failure to do so may result in termination of enrollment, per Subsection VIII, a Program overpayment, per the Maine Public Assistance Manual, Chapter VI, and/or an Intentional Program Violation (IPV), per the Maine Public Assistance Manual, Chapter VI.

3. Content -- Each Agreement shall be tailored to the facts and circumstances of the Program participant. In addition, all Agreements must include the following:

- a. An attestation by the participant that they do not have sufficient access to reliable transportation to allow the them to retain or obtain sustainable employment;
- b. A commitment that the participant will report to the Department immediately if they determine that they cannot meet the requirements of the program;
- c. A commitment that, once enrolled in the program, the participant will not voluntarily reduce hours of employment below the average of ~~thirty (30)~~ hours per week;
- d. A commitment that the participant will report changes of employment circumstances (including without limitation -- employer, hours, schedule, and earnings), the availability of alternative transportation options, and contact information to the Department within ten ~~(10)~~ days of their becoming aware of the change;
- e. A commitment that the participant will attend in-person meetings with the Program as scheduled, and no less often than once a month during the first six ~~(6)~~ months of program participation; (These meetings may be conducted through a virtual meeting platform, rather than in-person, under extraordinary circumstances such as a public health emergency.); and
- f. A commitment that the participant will not engage in disruptive conduct during any program-coordinated transportation service.

g. A commitment by the Department to provide transportation services so long as the participant abides by the agreement, meets all other eligibility requirements and such services are at the Department's disposal.

4. **Content Specific to Vehicle Access Services** -- Prior to receiving such service under the Program, participants eligible for and seeking to gain access to a vehicle under the Program must execute an Agreement that, in addition to the provisions specified in Subsection VII (A)(3), includes—

Commented [MH57]: Please provide a copy of this document.

Commented [DME58R57]: This document does not, yet, exist.

Commented [MH59]: What is the purpose of this? Can meetings be done via phone or Zoom?

Commented [DME60R59]: language added.

Commented [MH61]: The rule should include at least basic requirements for DHHS to be included in the Transportation Agreement, otherwise it will not be an enforceable contract.

Commented [DME62R61]: Language added.

1 (XXX, 2020)

18-11

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- a. A commitment to use the vehicle primarily for purposes of commuting to and from work;
- b. A commitment not to sell or trade the vehicle during Program participation, without prior authorization in writing from the Director of the Office for Family Independence or their designee;
- c. A commitment not to allow other members of the household to drive the vehicle;
- d. A commitment not to use the vehicle for income producing transportation services or for transportation services which result in mileage reimbursement for transporting others;
- e. A commitment to operating the vehicle in compliance with all applicable traffic and parking laws;
- f. A commitment not to operate the vehicle under the influence of alcohol, illegal drugs, or prescription drugs that impair a person's ability to operate motor vehicles;
- g. A commitment not to consume alcohol, illegal drugs, or prescription drugs that impair a person's ability to operate motor vehicles while in the vehicle, whether or not the vehicle is running;
- h. A commitment to report any accidents, thefts, or similar types of incidents involving the vehicle to law enforcement immediately;
- i. A commitment to protect the vehicle from theft and vandalism by locking the vehicle and parking in well-lit areas, to the extent possible;
- j. A commitment to conduct routine maintenance on the vehicle as necessary, including but not limited to, regular cleaning of the interior and exterior of the vehicle, oil changes, and maintaining fluid levels;
- k. A commitment not to operate the vehicle when it is in an unsafe condition or in need of repairs, to report such a condition to the Department immediately, and to cooperate with the Department in arranging for necessary repairs;
- l. A commitment not to use the vehicle for any illegal activities;
- m. A commitment to make monthly premium payments timely and in-full, as described in Subsection VII (C);
- n. Subject to Subsection VII (C)(1), a commitment to timely cooperate with and assist the Department in—
  - i. maintaining active, current registration for the vehicle,

**Commented [MH63]:** Is the title to the vehicle transferred to the applicant? If the applicant is the new owner, then I am not sure these restrictions would be enforceable

**Commented [DME64R63]:** Happy to discuss. 12/01 in the afternoon.

**Commented [MH65]:** Is the title to the vehicle transferred to the applicant? If the applicant is the new owner, then I am not sure these restrictions would be enforceable

MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES

- ii. maintaining active, current insurance on the vehicle,
- iii. ensuring the vehicle timely passes state inspection, and
- iv. ensuring all applicable taxes on the vehicle are paid; and

**o.** A commitment to immediately return the vehicle to the Department upon demand, for failure to comply with the terms of the Agreement or the rules of the Program, including transferring title to the Department where applicable.

**B.** Annual Review -- No less often than once every ~~twelve (12)~~ months following initial Program Enrollment, a participant will attest to the Department and confirm with verifications as requested by the Department that --

- 1. Without regard to how the participant initially gained financial eligibility into the Program, the gross income of the participant's filing unit (within the meaning of the Maine Public Assistance Manual, Chapter II) is less than or equal to 250 percent of the federal poverty level;
- 2. Transportation would be a primary obstacle to retaining sustainable employment if the participant withdrew from the Program; and
- 3. The participant continues to meet all applicable nonfinancial eligibility requirements set out in Subsection V (C) and (D).

~~RFP includes the following "Eligibility Monitoring" Requirements. These should be included in the rule so participants are on notice of same.~~

~~a. Changes between reviews -- The Department or its vendor shall monitor continued Participant eligibility, as well as ensure, monitor, and enforce Participant compliance connect with program rules and regulations, established by the Department, by:~~

~~C. Completing Participant progress checks every the participants, verbally or in writing, three (3), six (6), and nine (9), and twelve (each subsequent 12) months from the date of the start of the Participant's eligibility determination in order to:~~

- 1. Ensure compliance with vehicle maintenance requirements as outlined in the TPA;
- 2. Verify continued employment; and
- 3. Refer the Participant to new transportation resources; as needed; and

~~4. Developing and conducting Participant surveys to measure Participant satisfaction and inform program performance.~~

**D.** Additional Vehicle Access Provisions --

**Commented [MH66]:** Let's discuss. Unclear how, exactly, this program is supposed to work.

**Commented [DME67R66]:** Happy to discuss 12/1 in the afternoon.

**Commented [MH68]:** From the RFP. Are these in addition to the "Annual Review" requirements, above, or maybe combine this into one section called "Eligibility Monitoring Requirements."

1 (XXX, 2020)

18-13

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

1. To the extent reasonably practicable, the Department shall transfer title to all vehicles provided to program participants within ~~thirty (30)~~ calendars days of vehicle distribution. Prior to transferring title, in addition to determining that the participant has met all relevant eligibility criteria, the Department must—
  - a. Determine that, ~~without assistance from the Department,~~ the participant is financially able to pay all expenses associated with owning the vehicle including, without limitation, expenses associated with the provisions of Subsection VII (C)(1)(b), below; and
  - b. Require the participant, as an additional provision of the Agreement, to—
    - i. maintain active, current registration for the vehicle,
    - ii. maintain active, current insurance on the vehicle,
    - iii. ensure that the vehicle timely passes state inspection, and
    - iv. ensure that all applicable taxes on the vehicle are paid.
2. Monthly Premiums -- Notwithstanding title to the vehicle, participants must pay to the Department a premium of \$100 by the 15<sup>th</sup> day of each calendar month in order to maintain access to such vehicle under the Program.
  - a. If a participant's filing unit (within the meaning of the Maine Public Assistance Manual, Chapter II) has income greater than 200 percent of the federal poverty level, the participant's monthly premium will be \$150.
  - b. A participant's first failure to make a timely monthly premium payment will result in an overpayment in the amount of the premium due and an official warning issued by letter. A second failure to make a timely premium payment will result in an overpayment ~~and~~ in the amount of the missed premiums and an obligation to return the vehicle to the Department, per the Agreement.
  - c. Temporary Waiver -- For no more than one month at a time, the Department may waive the monthly premium and any penalty for failure to make a payment thereof, upon a participant's written or oral request and verification prior to the payment due date that—
    - i. the filing unit's income has fallen below 100 percent of the federal poverty level; or
    - ii. the participant is experiencing a crisis or extreme hardship, as determined by the Director of the Office for Family Independence or their designee.

Without regard to this Subsection, if a participant cannot pay the premium for more than two ~~(2)~~ months in a row or three ~~(3)~~ months in a ~~twelve (12)~~ month period, the

Commented [MH69]: Make sure vendor contract is consistent.

Commented [DME70R69]: Thank you. We will.

Commented [DME71]: language added



MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES

Department ~~or its vendor~~ will conduct a new assessment and reassign the participant to a more suitable transportation option, if one is available.

**Commented [DM72]:** Changed definition of Dept. to include vender.

d. Participants may not receive ASPIRE, FSET, or HOPE support services to cover the premium.

**Commented [MH73]:** What is authority for this? How will DHHS or its vendor determine whether ASPIRE, FSET or HOPE support services are being used to cover premium?

3. Program Graduation -- After a participant has made a total of ~~twenty-four (24)~~ monthly premium payments, in addition to the down payment, participation in the program and obligations under the Agreement will end, and the participant will retain ownership of the vehicle without continuing premium payment obligations. The Department shall notify participants in writing at the time of such graduation.

**Commented [DM74R73]:** The department has the authority to make these distinctions as part of its overall rule making authority. 22 M.R.S. §§ 42(1) (for rule making in general), 3790-A(6) for HOPE, 3782-A(6) and 3788(9) (for ASPIRE in general), 3769-F (for this program), and 3782-A(4) (for other ASPIRE case management); and 22-A M.R.S. § 212 (for defining eligibility in general).

4. The Department shall pursue an intentional program violation (IPV) when a participant has knowingly failed to return the vehicle upon the Department's demand or has sold or traded the vehicle during Program participation without prior authorization in writing from the Director of the Office for Family Independence or their designee. The dollar amount of any overpayment associated with such an IPV will be ~~the value of the vehicle at the time of the initial transfer of ownership from the Department to the participant. Such amount may not be reduced to account for depreciation, premium payments made, or any other costs incurred and paid by the participant in the course of owning the vehicle.~~ calculated as follows --

It will be extremely easy for the Department to monitor and enforce as these support service payments are already closely monitored.

**Commented [MH75]:** Timing issues. Let's discuss

**Commented [DM76R75]:** This all goes back to the big issue of the law requiring the program but the program always having been authorized under existing authority to spend TANF funds and write rules.

**Commented [MH77]:** Kelly Blue Book value? Be specific.

Also -- why wouldn't the amount be reduced to account for payments that the participant made? That does not seem equitable.

**Commented [MH78]:** Include some details from the RFP and contract, including how the vendor must acquire vehicles, process payments, do assessments, requirements for how premiums shall be utilized, vendor shall provide limited warranty, etc

~~ADD SECTION ABOUT WHAT VENDOR WILL DO~~

a. ~~VII~~ All down payments and premium payments made toward the vehicle shall be added together;

b. That sum shall be reduced by the total of all maintenance costs paid by the Department for the vehicle. If this reduction results in a negative figure, it will be treated as a zero.

c. This difference shall be subtracted from the NADA clean retail value at the date the vehicle was transferred to the participant.

d. This difference shall the amount of the overpayment.

**VII. TERMINATION AND APPEAL**

A. Early Termination of Services -- Program services to a participant shall be terminated when one of the following occurs:

- 1. The participant no longer meets all applicable program eligibility requirements set out in Subsection V; or
- 2. The participant fails to comply with a provision in their Agreement.

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

A participant shall not be terminated from the program due to failure to comply with their Agreement if the noncompliance concerns employment, and the participant demonstrates either --

- a. That the participant was terminated or had hours reduced through no fault of the participant; or
- b. The noncompliance was due to a medical condition or illness of the participant or a dependent who requires full time care. This noncompliance must last no more than two (2) calendar weeks. The medical condition or illness must be verified by a medical provider approved by the Department.

B. Appeal Rights -- A participant who disputes an application decision or a program decision, including a decision on a selection, reduction, or termination of transportation services; a denial of a monthly premium temporary waiver; or an overpayment; has the right to an administrative hearing, provided the request for the hearing is made timely. Department staff will complete the hearing request on behalf of the participant and file it with the Administrative Hearings Unit. See 10-144 C.M.R. Ch. 331, Maine Public Assistance Manual (TANF) Chapter VI, for additional information on Fair Hearings and Administrative Hearings and Intentional Program Violations.

- 1. The request for an administrative hearing must be made within thirty (30) calendar days of the issuance of the notice of action which is disputed. If the disputed decision involves the suspension or termination of transportation services which have previously been provided, and the participant requests an administrative hearing within ten (10) days of the notice, transportation services will continue pending the outcome of the administrative hearing.
- 2. The hearing will be conducted in accordance with the rights and procedures set forth in 10-144 C.M.R. Ch. 1 *et seq.*

**Commented [MH79]:** Add details about how the vehicles must be returned to the vendor. How will this work?

**Commented [MH80]:** Participants should be entitled to appeal eligibility determinations, as well as any denial, reduction, suspension or termination of services. Unclear if that's what this language states.

**Commented [DME81R80]:** Eligibility would be "an application decision"

**Commented [DME82]:** We would be interested in discussing (12/1 in the afternoon) continuing participation. It's one thing if we are continuing to pay for driver ed or bus passes and can go after that overpayment like we would for TANF or Food Supplement. It's something else entirely if the applicant is retaining and potentially destroying a high value asset such as a vehicle.

**END OF SECTION**

## Kreckel, Brendan D

---

**From:** Kreckel, Brendan D  
**Sent:** Thursday, November 5, 2020 8:16 AM  
**To:** Moncure, Halliday  
**Subject:** RE: FS214P pre review of a food supp rule

Good Morning Halliday,

That sounds like a plan. If I am following correctly, the priority is ASPIRE 25A (12/18) then FS 214A (12/31). Followed by all the purposed rules. I will be reviewing comments and responses on ASPIRE 25A and then standby to assist as needed on the other aspects of both reviews.

Brendan

Brendan Kreckel, A.A.G.  
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[brendan.d.kreckel@maine.gov](mailto:brendan.d.kreckel@maine.gov)

---

**From:** Moncure, Halliday <Halliday.Moncure@maine.gov>  
**Sent:** Thursday, November 5, 2020 7:57 AM  
**To:** Kreckel, Brendan D <Brendan.D.Kreckel@maine.gov>; Caron, Kerry <Kerry.Caron@maine.gov>  
**Subject:** RE: FS214P pre review of a food supp rule

Hi Brendan –

[REDACTED]

I have both the OFI ASPIRE final review (12/18 adoption deadline) and this one on my to-do list. I appreciate your help with the ASPIRE rule comments. I'll copy you on everything so that you can see how it works, and happy to confer anytime as we go along.

Halliday

[REDACTED]

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Preferred pronouns she/her/hers

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---

**From:** Gregory, Jane <[Jane.Gregory@maine.gov](mailto:Jane.Gregory@maine.gov)>

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

## Kreckel, Brendan D

---

**From:** Moncure, Halliday  
**Sent:** Thursday, November 5, 2020 8:46 AM  
**To:** Kreckel, Brendan D  
**Subject:** RE: FS214P pre review of a food supp rule

Correct. Thank you!

I'll reach out to touch base and see how you're doing tomorrow. I know you're busy helping Tom Bradley with a hearing today. I will be interested to hear how things go.

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That sounds like a plan. If I am following correctly, the priority is ASPIRE 25A (12/18) then FS 214A (12/31). Followed by all the purposed rules. I will be reviewing comments and responses on ASPIRE 25A and then standby to assist as needed on the other aspects of both reviews.

Brendan

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**From:** Moncure, Halliday <[Halliday.Moncure@maine.gov](mailto:Halliday.Moncure@maine.gov)>

**Sent:** Thursday, November 5, 2020 7:57 AM

**To:** Kreckel, Brendan D <[Brendan.D.Kreckel@maine.gov](mailto:Brendan.D.Kreckel@maine.gov)>; Caron, Kerry <[Kerry.Caron@maine.gov](mailto:Kerry.Caron@maine.gov)>

**Subject:** RE: FS214P pre review of a food supp rule

Hi Brendan –

[REDACTED]

I have both the OFI ASPIRE final review (12/18 adoption deadline) and this one on my to-do list. I appreciate your help with the ASPIRE rule comments. I'll copy you on everything so that you can see how it works, and happy to confer anytime as we go along.

Halliday

[REDACTED]

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Preferred pronouns she/her/hers

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---

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Kreckel, Brendan D**

---

**From:** Moncure, Halliday  
**Sent:** Thursday, November 5, 2020 7:57 AM  
**To:** Kreckel, Brendan D; Caron, Kerry  
**Subject:** RE: FS214P pre review of a food supp rule

Hi Brendan –

[REDACTED]

I have both the OFI ASPIRE final review (12/18 adoption deadline) and this one on my to-do list. I appreciate your help with the ASPIRE rule comments. I'll copy you on everything so that you can see how it works, and happy to confer anytime as we go along.

Halliday

[REDACTED]

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---

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Kreckel, Brendan D**

---

**From:** Moncure, Halliday  
**Sent:** Friday, November 6, 2020 1:06 PM  
**To:** Kreckel, Brendan D  
**Subject:** Accepted: ASPIRE 25A Rule Review Meeting

**Kreckel, Brendan D**

---

**From:** Kreckel, Brendan D  
**Sent:** Friday, November 6, 2020 12:15 PM  
**To:** Moncure, Halliday  
**Subject:** Meeting today

Good Afternoon Halliday,

I just finished up the [REDACTED] hearing with Tom. I'm going to speak with him about the hearing. After that I am going to get a bite to eat. Would you like to meet and discuss ASPIRE 25A this afternoon? If so, please let me know what a good time would be.

Thanks,

Brendan

Brendan Kreckel, A.A.G.  
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[brendan.d.kreckel@maine.gov](mailto:brendan.d.kreckel@maine.gov)

**From:** [Moncure, Halliday](#)  
**To:** [Kreckel, Brendan D](#)  
**Subject:** RE: Meeting today  
**Date:** Friday, November 6, 2020 12:39:21 PM

---

Hi Brendan –

Thanks for checking in about the ASPIRE rule. I just started reviewing it. Unfortunately I can't speak this afternoon because I have a CLE starting in 10 minutes that goes until 5pm. But I will be monitoring emails so feel free to send me any questions that way. Can we speak on Monday morning instead? I am generally open.

I'll be interested to hear your perspective on the [REDACTED] hearing too. Thanks so much for jumping in to help Tom with that.

Halliday

Halliday Moncure  
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**From:** Kreckel, Brendan D <Brendan.D.Kreckel@maine.gov>  
**Sent:** Friday, November 6, 2020 12:15 PM  
**To:** Moncure, Halliday <Halliday.Moncure@maine.gov>  
**Subject:** Meeting today

Good Afternoon Halliday,

I just finished up the [REDACTED] hearing with Tom. I'm going to speak with him about the hearing. After that I am going to get a bite to eat. Would you like to meet and discuss ASPIRE 25A this afternoon? If so, please let me know what a good time would be.

Thanks,

Brendan

Brendan Kreckel, A.A.G.  
Maine Office of the Attorney General  
Department of Health and Human Services  
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## Kreckel, Brendan D

---

**From:** Kreckel, Brendan D  
**Sent:** Friday, November 6, 2020 12:55 PM  
**To:** Moncure, Halliday  
**Subject:** RE: Meeting today

That sounds great. Let's tentatively try 8:30 Monday morning? I will send an invite.

Brendan

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**From:** Moncure, Halliday <Halliday.Moncure@maine.gov>  
**Sent:** Friday, November 6, 2020 12:39 PM  
**To:** Kreckel, Brendan D <Brendan.D.Kreckel@maine.gov>  
**Subject:** RE: Meeting today

Hi Brendan –

Thanks for checking in about the ASPIRE rule. I just started reviewing it. Unfortunately I can't speak this afternoon because I have a CLE starting in 10 minutes that goes until 5pm. But I will be monitoring emails so feel free to send me any questions that way. Can we speak on Monday morning instead? I am generally open.

I'll be interested to hear your perspective on the [REDACTED] hearing too. Thanks so much for jumping in to help Tom with that.

Halliday

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**From:** Kreckel, Brendan D <[Brendan.D.Kreckel@maine.gov](mailto:Brendan.D.Kreckel@maine.gov)>  
**Sent:** Friday, November 6, 2020 12:15 PM  
**To:** Moncure, Halliday <[Halliday.Moncure@maine.gov](mailto:Halliday.Moncure@maine.gov)>  
**Subject:** Meeting today

Good Afternoon Halliday,

I just finished up the [REDACTED] hearing with Tom. I'm going to speak with him about the hearing. After that I am going to get a bite to eat. Would you like to meet and discuss ASPIRE 25A this afternoon? If so, please let me know what a good time would be.

Thanks,

Brendan

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## Kreckel, Brendan D

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**From:** Moncure, Halliday  
**Sent:** Sunday, November 15, 2020 4:47 PM  
**To:** Kreckel, Brendan D  
**Subject:** DRAFT OAG preliminary final review - 10-144 CMR Ch 607 draft changes to be adopted (ASPIRE Rule 25A - Working Cars Working Families)  
**Attachments:** Rule Pages ASPIRE 25A (TC All) v5 (002)(HM edits).docx  
**Sensitivity:** Confidential

Hi Brendan –

This rule is a mess. Below is a draft email for your review before I send to DHHS. Can you please fill in the info needed about the RFP appeal? I'd also like to discuss this with you briefly, and check in about the Summary of Comments document, to make sure we're on the same page. I am sure you are not yet done with your review of the comments, etc, and don't worry about that. Given how much work the rule needs, I am thinking we should send this sooner rather than later, but again, I want to chat first.

Let me know when you've had a chance to review. Thank you for your help with this complicated rulemaking.

Halliday

-----  
*DRAFT EMAIL*

Dear clients –

This shall serve as our preliminary review as to form and legality of the Department's draft final rulemaking documents for changes being made to 10-144 CMR Ch. 607, ASPIRE-TANF Program Rules, sent to us via email on 11/2/2020 (below), and the revised Summary of Comments document that was sent on 11/3/2020. As set forth, below, the rule needs quite a bit of work in order to clarify how, exactly, this new program is supposed to work, and to make the requirements legally enforceable.

### **General**

1. Many improvements could be made to the form of this rule in order to improve one's ability to read/understand it, for purposes of citation to various sections, and enforcement of the rule provisions. For example, the Table of Contents should set forth each of the rule's sections (ie, Introduction, Definitions); I suggest removal of the subject matter index. All rules should have page numbers, section numbers, and all sub sections should be labeled per standard practice. If there's time, the Department could make those changes in the definitions section at this juncture. Regardless, I am glad to see that the language about the new program is in proper rule format.
  - a. Also typically our office prefers to review an entire regulation, not just an isolated section of a regulation that is being changed (similarly, the entire rule should be filed with the SOS, not just the particular pages with changes). Here it appears that you have sent just the definitions and Section 18. It is hard to determine the legality of changes in isolation where we cannot also review the context of the entire regulation as a whole. Going forward, we advise that OFI get into this practice, similar to how OMS does its MaineCare rulemaking.



2. Please ensure that what is ultimately filed with the SOS are two copies of (a) clean version of adopted rule; and (b) redline/strike through format of the adopted rule that reflects all changes being made to what the currently legally effective rule (in addition to the MAPAs). Below you also attach a version of the rule that reflects changes from what was proposed to what is being adopted. I did not review that rule because it is not required by the APA, and I find also that it can get confusing in terms of versions of rules exchanged as we proceed with the rule review process.
3. **RFP** – AAGs Brendan Kreckel and Stanley Abraham are defending DHHS in an administrative appeal by the disgruntled bidder in the RFP for this program. My understanding is that this appeal is in its early stages, and no hearing has been scheduled yet. After an administrative hearing decision is issued (**by the HO, Cmmr? Brendan?**), then the parties shall have the right to further appeal to Superior Court per 5 MRS 11001 et seq. and MRCP 80C.
  - a. If there is no vendor to assist DHHS in administering the program, will the Department be able to implement the new rule?
  - b. **We should review the RFP as well as the draft contract between DHHS and the eventual RFP winner to ensure that the terms are consistent with what is in this rule.** For example, when the MaineCare non-emergency transportation program shifted to a brokerage in 2013, our offices worked together over many months both on the MaineCare rule, as well as the RFP and the NET broker contracts to ensure that what was required by rule did not conflict with what DHHS required for the brokers via contracts.
4. **Timing concerns:** because of the delayed implementation of this new program, there are various concerns about timing. The statute is repealed effective July 1, 2022, and thus as of that date, DHHS shall have no authority to administer the Working Cars for Working Families program.
  - a. One issue is that the 24 month payment requirements for participants extend beyond 7/1/2022.
  - b. Also, per the RFP, the contract with the entity that shall administer the program for DHHS is effective through Sept. 30, 2022.

One option is for the Department to work with its legislative liaison, Molly Bogart, to propose a legislative solution to this problem. The statute could be revised so that it is effective beyond 7/1/2022, and/or it repeals when the \$6M funds are exhausted. Our office would be happy to work with you and Molly on proposed language.

Importantly, throughout the rule this program should be referenced as temporary so that all parties are on notice of same. We should also add language to the Basis Statement to explain these issues clearly.

5. **Concerns about vagueness:** as set forth in more detail below and attached, many provisions in the rule are vague, and it is hard to tell exactly how this program is supposed to work. Rules govern not only the people who may be eligible for benefits, but also DHHS as an agency, and other parties affected by the regulation; here, the rule generally seems to avoid any restrictions on DHHS. There are numerous eligibility requirements, but no description or definition of what, exactly is being provided in terms of services by this program. The “Funding Contingencies” provisions should be removed. Too much discretion is reserved for DHHS (ie – there are few objective criteria or factors that would bind DHHS’s determinations), making challenges via litigation highly likely, where it would be difficult to defend DHHS decision making based on this rule language. We made suggestions where we could, but as it stands it is difficult to tell how, exactly, the program is supposed to work.

Major revisions should be made to make the rule more clear and enforceable, which would likely make it “substantially different” than what was proposed under the APA. This is permissible under 5 MRS 8052(5)(B) if, for example, changes are made pursuant to comments, or if the Department makes findings in support of the changes; it could make changes if it finds them necessary based on legal advice. If the Department agrees with this approach, then the revised rule would be post for an additional 30 day period of public comment.

## Rule (ASPIRE 25A TC All v5)

1. What is the authority for “definitions apply only to single parents with a child under age 6” for “Child care, affordable,” and “Child care, appropriate” - ?
2. Definition of Food Supplement Employment Training (FSET) program –
  - a. Citation to 7 CFR 273.3 is incorrect; this regulation governs residency requirements. Did you mean to cite to section 273.7?
  - b. Citation to 22 MRS 3104 may be incorrect; this is the general statutory authority for SNAP program – no specific authority for FSET.
3. Add language to clearly indicate that this is a temporary program per 22 MRS 3769-F, and it shall expire as of July 1, 2022. At that point the Department must repeal the rule pursuant to the Maine APA, but parties should be on notice of the temporary nature, which will help protect DHHS in the event of future litigation when the program expires.
4. Remove “Philosophy” and shift that language up under “Authorization,” which should be called “Authorization and Scope.”
5. The language under subpart (A) of Administration is vague and thus problematic. It appears that the Department (or its vendor) wishes to exercise limitless discretion in determining what options are best for any given program participant, and the participants cannot enforce any particular option against DHHS/vendor (ie – they cannot argue DHHS must provide a certain type of transportation).
6. Definitions (B): remove “For purposes of this Program...” – redundant and unnecessary. The definitions are embedded within the section describing Working Cars for Working Families, so we do not need to re-state this for every term.
7. Why is the Department excluding self employment, which can be sustainable and a large segment of the population in Maine is self employed?
8. What does “any form of employment that involves a subsidy to the employer” mean?
9. “Earned income” – suggest the rule should copy and paste the definition the Dept. seeks to use for this program, and state clearly any limits.
10. Subsection (C) – Funding Contingencies. This section is too vague and ambiguous. I suggest removal in its entirety. G

It is unclear what factors the Department will use to determine if “funding is not sufficient” to maintain current programming or reduce services. Who is making these decisions for DHHS? What objective criteria will be applied? What funding would be considered insufficient? If possible, put specific dollar figures in the rules. Also these provisions should state that participants will be given x days’ advance notice, not “as much notice as is reasonably practicable.” I suggest at least 14 days notice.

- a. What does this provision (in C2) mean: “*The Department shall effectuate reductions and eliminations under this subsection on a generalized and categorical basis, and shall not make case-by-case elimination or reduction decisions.*”
- b. Subpart (C)(3) permits the Department to terminate all agreements and end all services “if funding is not sufficient” with “as much notice as is reasonably practicable.”
- c. Remove subpart (C)(5), which says that “categorically applicable denials, reductions and service terminations based on funding limitations are not subject to administrative appeal.” We don’t know what “categorically applicable” means. We don’t know how DHHS will make these decisions, based on what criteria/funding limits. Regardless, those aggrieved should be afforded the right to an administrative appeal based on principles of due process.

**The vague nature of this language indicates that it is unclear how, exactly, this program is going to work?** These provisions are highly likely to lead to litigation by dissatisfied program participants.

### **11. Eligibility Determination Process:**

- a. (A)(3) too vague. How does the Dept. determine that “participation is appropriate for the applicant?” How does it determine “whether there are available resources that would remediate transportation barriers?” Suggest that

the rule sets forth eligibility criteria and an application process. If folks satisfy those criteria and follow the process, they should receive benefits.

b. Application (B) – says the Dept “shall develop a uniform application...” If the Dept. seeks to enforce this rule, the rule should state clearly that people must do x to apply. It should include specifically how people can satisfy the application process, perhaps directing them to an application website link, or indicating where they can obtain the form. What is required for application?

c. Enrollment (C) – again, what is required for people to get services? This provision purports to set forth four factors (someone must be determined “eligible,” attend an in person “assessment,” Dept. reviews transportation needs, employment, and “suitability for the program,” and people get services if there are sufficient resources to address their needs). But they are so vague and contingent on so much discretion by DHHS that they are meaningless, or at least unenforceable.

d. Waitlist (E) – suggest you extend the period of time within which a person must respond beyond 2 business days. Also – is it determined based on their date of receipt of notice or - ? Let’s work on revising the last couple of sentences. It’s confusing as currently drafted.

12. Sec. V(B)(2) Transportation Limitations: subpart (b) mandates that an applicant cannot get services under this program if any other adult living with the applicant has a working vehicle that isn’t being used. This other adult could be a roommate with no legal responsibility for the applicant, so it seems too restrictive and over burdensome for DHHS to mandate this.

13. Sec. V(D)(3) – additional eligibility criteria for vehicle access: add location specification for courses? Or can they be online?

14. Assessment – I can see why the Department would want a separate assessment process for purposes of evaluation, however, these provisions are extremely broad and leave much up to DHHS discretion, which could subject them to challenge in the event of disputes about the program. Also – we suggest that assessments could be done via phone or Zoom, etc. because COVID.

15. Transportation Agreement – the rule should include at least basic requirements for DHHS that will be in each of these Agreements (ie – in exchange for the applicant’s agreements, the Dept. shall provide transportation services; provide x amount of notice before any change in services; etc). **Our office should review and provide legal advice on the Transportation Agreements prior to finalization of this rule.**

16. Ownership of Vehicles: Content Specific to Vehicle Access Services: How does the Dept. intend to acquire these vehicles? Are these state-owned vehicles? Is title to the vehicle transferred to the applicant? If yes, and the program participants own the cars, I am not sure that the various restrictions on applicants’ ownership and use of a vehicle would be enforceable. Also, even if they are enforceable, how, exactly, is DHHS going to monitor and enforce the requirements? If the Dept. still holds title and remains owner of the vehicle, then there are numerous complicated issues to discuss about liability, insurance and other matters, and we likely would need to include DAFS and other AAGs from our office for purposes of same. Have you conferred with other state agencies about how these details are supposed to work? Are there other states with similar programs? We will need to discuss further.

17. Additional Vehicle Access Provisions: again – let’s discuss. It appears that the Dept. does intend to transfer title to vehicles, but still require monthly premium payments to DHHS, where failure to pay results in return of the vehicle back to DHHS.

18. Program Graduation – after 24 months of payments, people keep the car. But authority for this program expires 7/1/2022. The Dept. may need to shorten this to 12 months, particularly given that the RFP award has been appealed, and thus it is unlikely this program will be up and running until sometime later in 2021. Let’s discuss.

19. Appeal Rights – ensure they are broad enough to encompass eligibility determinations as well as decisions on services (denial, reduction, suspension, termination). Suggest deletion of the last sentence that says services shall not continue if participant violated term of Agreement; if that is subject to appeal and appeal is timely made, it should be stayed.

**MAPAs** – given the extent of changes that likely will be required for this rule, the MAPAs will require revision, particularly the Basis Statement. We are happy to assist with those revisions. But let’s figure out the rule language first then revisit the MAPAs.

**Summary of Comments and Responses, and List of Changes to Final Rule** - we will have many suggested changes to this document with regard to responses to comments, and the list of changes to the final rule.

After you've had a chance to review these comments, let's schedule a time to discuss.

Thank you.

Halliday and Brendan

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**From:** Downs, Michael E <Michael.E.Downs@maine.gov>  
**Sent:** Monday, November 2, 2020 9:00 PM  
**To:** Kreckel, Brendan D <Brendan.D.Kreckel@maine.gov>; Moncure, Halliday <Halliday.Moncure@maine.gov>  
**Cc:** Ray, Liz <Liz.Ray@maine.gov>; Baer, Julian <Julian.Baer@maine.gov>; Sturtevant, Timothy <Timothy.Sturtevant@maine.gov>  
**Subject:** ASPIRE Rule 25A for OAG Review (Adopted Stage)  
**Sensitivity:** Confidential

Good evening Brendan and Halliday,

We have another rule for review. This rule is the top priority with OFI.

For your reference, I have attached the following documents:

- 1) MAPA 3 ASPIRE25 No Fin (This document will go no further in the process, but it is our understanding your office likes to have it as a reference point.)
- 2) Fact Sheet ASPIRE25 v6 (This document will go no further in the process, but it is our understanding your office likes to have it as a reference point.)

I will provide the comments, hearing transcript, and a spread sheet that helps to cross-reference them via Teams Chat as the sheer volume will exceed the attachments limits in Outlook.

For your review, I have attached the following documents:

- 1) APA checklist ASPIRE25A v2
- 2) Basis Statement ASPIRE25A v3
- 3) MAPA 1 ASPIRE25A v3
- 4) MAPA 4 ASPIRE25A v3
- 5) Summary and Responses to Comments ASPIRE25 v8
- 6) Rule Pages ASPIRE 25A (Clean) v5

- 7) Rule Pages ASPIRE 25A (TC All) v5
- 8) Rule Pages ASPIRE 25A (TC since proposed) v5 (This copy will go to the commissioner's office, but not to the secretary of state).

The Commissioner deadline to adopt the rule is December 18, 2020. We estimate that the Commissioner will need 2 weeks to review and adopt the rule. We would like to have your initial review of the rule no later than Thanksgiving to allow enough time for changes you may propose and review of same. We apologize for the short time frame. It has taken us quite a while to respond to the 302 comments.

Please let me know if you need additional information or documents for your review, thank you.

Sincerely,

Michael E. Downs  
Policy Senior Planner  
State of Maine  
Dept. Of Health and Human Services  
Office for Family Independence  
Ph (207) 624-4135  
Fx (207) 287-3455

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10-144 Chapter 607

**10-144**

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**OFFICE FOR FAMILY INDEPENDENCE**

**CHAPTER 607**

**ASPIRE-TANF PROGRAM RULES**

**Effective November 6, 2001**

**Last Amended: ~~December 2017~~ XXXXX, 2020**

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**Table of Contents**

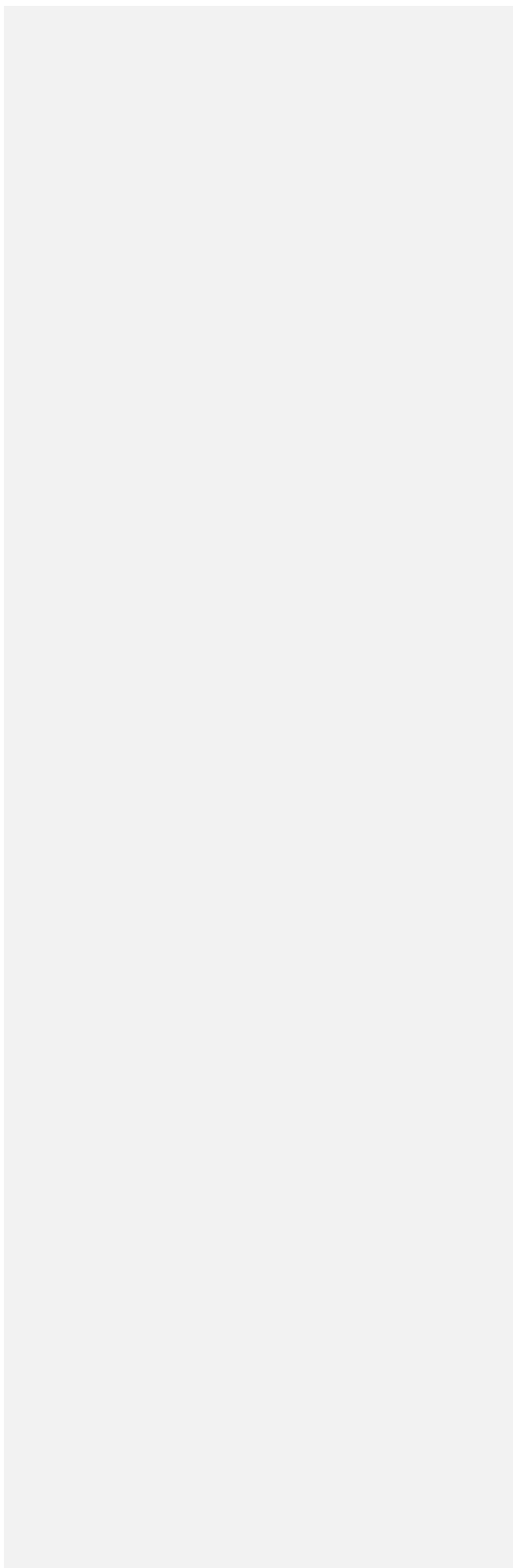
<b>Section Number</b>	<b>Title</b>	<b>Pages</b>
<b>Section 1</b>	Definitions	1-1 thru 1-6
<b>Section 2</b>	Authorization; Philosophy; Goals and Objectives; Administration	2-1 thru 2-6
<b>Section 3</b>	Participation; Participant Performance Requirements Participant Satisfactory Progress; Program Performance Requirements; Scheduling Appointments	3-1 thru 3-8
<b>Section 4</b>	Confidentiality, Participants' Rights and Responsibilities, Good Cause; Fair Hearings, Sanctions, Intentional Program; Violations, Overpayment Procedures	4-1 thru 4-10
<b>Section 5</b>	Work Evaluation	5-1 thru 5-5
<b>Section 6</b>	Case Management	6-1 thru 6-2
<b>Section 7</b>	Family Contract Amendment (FCA)	7-1 thru 7-2
<b>Section 8</b>	Pre-Training	8-1 thru 8-2
<b>Section 9</b>	Field Training	9-1 thru 9-3
<b>Section 10</b>	Education and Training	10-1 thru 10-3
<b>Section 11</b>	Work Activity Services	11-1 thru 11-3
<b>Section 12</b>	Job Search Activities	12-1 thru 12-3
<b>Section 13</b>	Employment	13-1 thru 13-8
<b>Section 14</b>	Support Services and Payment Provisions for Services	14-1 thru 14-9
<b>Section 15</b>	Reduction of ASPIRE-TANF Services when Funding is Inadequate	15-1 thru 15-2
<b>Section 16</b>	Parents as Scholars Program	16-1 thru 16-5
<b>Section 17</b>	TANF Time Limit Extensions	17-1 thru 17-9
<b>Section 18</b>	<u>Working Cars for Working Families</u>	<u>18-1 thru 18-13</u>

## INDEX

<b>Subject</b>	<b>Section</b>	<b>Subsection</b>	<b>Pages</b>
<b>A.</b>			
Adult entertainment	4	IX	4-10
apprenticeship	13	II.B.	13-1
ASPIRE-Plus	13	II.A.	13-1,2,3,4
assessment	5		5-1 thru 5
auto liability insurance	14	II.D.	14-5
auto repairs	14	II.C.	14-4
<u>auto purchase program</u>	<u>18</u>		<u>18-1 thru 18-13</u>
<b>B.</b>			
books and supplies	14	II.H.	14-5
<b>C.</b>			
case management	6		6-1,2
child care	14	II.A.	14-1 thru 3
clothing and uniforms	14	II.I.	14-6
confidentiality	4	I.	4-1, 2, 3
<b>D.</b>			
definitions	1		1-1 thru 6
dental care	14	II.F.	14-5
displaced employee grievances	13	IV.	13-6 thru 8
<b>E.</b>			
education and training	10		10-1 thru 3
education, procedures	10	III.A.-J.	10-2, 3
education, training expenses	14	II.G.	14-5
education, types of	10	II.A.-D.	10-1, 2
employment	13		13-1 thru 8
extensions	17	I-VI	17-1 thru 17-9
eye care	14	II.D.	14-5

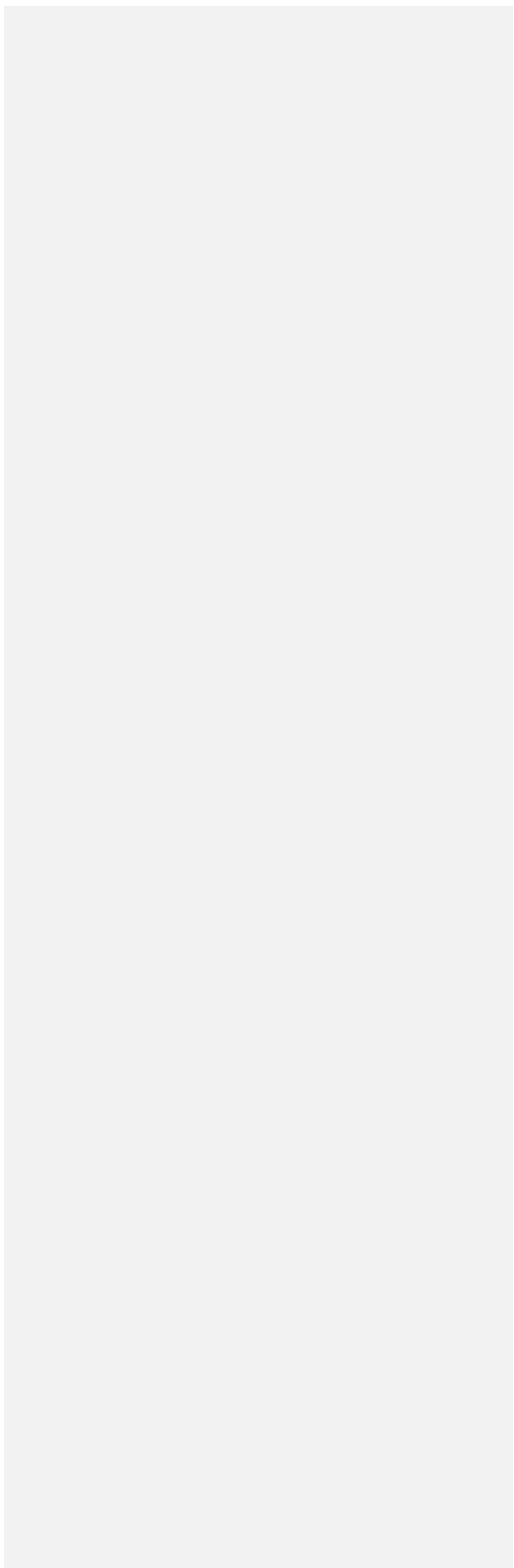


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<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>
<b>F.</b> fair hearings	4	V.	4-6, 7
family planning	8	E.2.a.	8-2
Family Contract	2	IV.C.2.a.	2-5
	7	I.B., C.	7-1, 2
	7	II.A.-E.	7-2
	8	I.B.,C.,D.	8-1
	12	I.	12-1
	14	I.A.,B.,D.,F.	14-1 thru 14-9
	15	II.	15-1, 2
fee-for-service agreements	14	II.L., M., N.	14-6, 7
field training	9		9-1, 2, 3
Fraud investigation and Recovery Unit (FIRU)	1		1-3
<b>G.</b> Gambling facility	4	IX	4-10
GED preparation and training	8	C.	8-2
good cause	4	III.	4-4, 5
<b>H.</b> high school diploma programs	8	B.	8-2
<b>I.</b> Intentional Program Violation (IPV)	4	IX	4-10
<b>J.</b> job readiness activities	8	E.	8-2
job search	3		3-2, 4
	3		3-6, 7
	12		12-1, 2, 3
<b>K.</b>			
<b>L.</b> life management skills	8	E.1.	8-2
Liquor sales	4	IX	4-10

	<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>	
<b>M.</b>	MaineServe	3	IV.A.3.	3-6	
			IV.B.2.	3-6	
		11	I.A.-O.	11-1,2	
			II.A.-C.	11-3	
	Matriculation	16		16-1	
<b>N.</b>	non-traditional employment	13	II.D.	13-2	
			III.D.	13-6	
<b>O.</b>	occupational expenses	14	II.J.	14-6	
	on-the-job training (OJT/ASPIRE-Plus)	13	II.A.	13-1	
			III.	13-2, 3,4	
	orientation	2		2-5, 6	
		3		3-8	
		5		5-1	
		7		7-2	
	Overpayment Procedures	4	VIII.	4-9, 10	
	<b>P.</b>	parenting education	8	E.2.C.	8-2
		Parents as Scholars	16		16-1 thru 5
participant's performance requirements:					
Single Parent Household		3	II.A.	3-1, 2	
Two Parent Household		3	II.B.	3-3, 4	
Teen Parents		3	II.B.	3-2	
participants' rights and responsibilities		4	II.	4-3, 4	
participants' satisfactory progress		3	III.A.,B.	3-4, 5	
participation		3	I.A.	3-1	
payment of support services		14	IV.	14-8, 9	
period of enrollment		2	IV.C.3.c.	2-6	
		14	I.F.	14-1	
		14	II.D.	14-4	
	14	II.F.	14-5		
	14	II.J.,K.	14-7		



<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>
pre-training program:	8		8-1, 2
administration	2	IV.	2-3 thru 5
authorization	2	I.	2-2
goals and objectives	2	III.	2-3
performance requirements - single parent family	3	IV.	3-5, 6
performance requirements - two parent family	3	IV.	3-6, 7
<b>Q.</b>			
<b>R.</b> relocation costs	14	II.K.	14-6
remedial education	8	D.	8-2
responsibilities of:			
ASPIRE-TANF staff	2	IV.C.3.	2-5
OFI eligibility staff	2	IV.C.2.	2-4, 5
return of purchased goods	14	II.M.	14-7
<b>S.</b> sanctionable acts	4	VI.	4-8, 9
scheduling procedures	3	VI.	3-7, 3-8
self-employment	13		13-2
	13		13-4, 5
service delivery areas	15		15-1, 2
service reduction	15		15-1, 2
suitable employment	13	III.E.	13-5, 6
support services	14		14-1 thru 9

<b>Subject</b>	<b>Section(s)</b>	<b>Subsection</b>	<b>Pages</b>
<b>T.</b>			
Transitional Employment for Maine Parents (TEMP)	11	I., III.	11-1, 2, 3
transportation	14	II.B.	14-3, 4
two parent family	3	II.C.	3-3, 4
<b>U.</b>			
<b>V.</b>			
<b>W.</b>			
work activities	1 3	IV.	1-5 3-5 thru 7
work activity services	11	11-1, 2, 3	
work evaluation	2 5 13	IV.C.3.b. I.A.	2-5 5-1 thru 5 13-1
work experience	3	IV.	3-5 thru 7
work readiness activities	8	II.E.2.	8-2
<u>Working Cars for Working Families</u>	<u>18</u>		<u>18-1 thru 18-13</u>
<b>X.</b>			
<b>Y.</b>			
<b>Z.</b>			

~~(February 6, 2017)~~ ~~1-1~~ ~~Policy #23A~~

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE TANF PROGRAM RULES**

## SECTION 1: DEFINITIONS AND DESCRIPTIONS

**Summary:** This section describes organizational units, programs, acronyms and significant terms pertaining to the ASPIRE-TANF program.

### DEFINITIONS

Organizational units, programs, and their acronyms, and other significant terms pertaining to ASPIRE-TANF are defined below:

**Alternative Education** --- An educational program that embraces subject matter or teaching methodology that is not generally offered to students of the same age or grade level in traditional school settings.

**ASPIRE-Plus** --- ASPIRE-Plus is an On-the-Job training program that provides an employer subsidy for up to 26 weeks, depending on the length of training time needed, of up to 50% percent of the hourly wage paid by the employer.

**ASPIRE-TANF** --- "ASPIRE-TANF" stands for-- Additional Support for People in Retraining and Employment - Temporary Assistance for Needy Families. ASPIRE is the welfare employment and training program created by the Governor and the Maine Legislature in July 1988, to provide case management, education, training, support and employment services to help TANF recipients to find or create jobs in the local labor market.

**ASPIRE-TANF Unit** --- A unit within the Department of Health and Human Services, Office for Family Independence, or an agent or contractor thereof, which provides ASPIRE-TANF services to TANF participants. These services include but are not limited to Assessment, prevocational activities, support services, Good Cause determination, case management and employment services.

**Assessment** --- An individualized process designed to integrate the array of ASPIRE-TANF services with the educational and vocational needs, interests and abilities of each participant.

**Basic Literacy Level** --- The capability to read and write at a level equivalent to an 8-98th or 9th grade level as demonstrated either by an educational achievement test; maintaining a grade point average of at least 2.0 at a post-secondary institution; or having passed the reading portion of a high school equivalency test.

**Case Management** --- The process of identifying the needs of the participant and the participant's family, coordinating services appropriate to meet those needs, and monitoring the participant's progress through ASPIRE-TANF so the participant can gain the skills and support to obtain employment.

**Child care, affordable** ~~is~~ --- Affordable child care arrangements are those for which the participant incurs no cost or is reimbursed by another program such as ASPIRE or through a deduction for child care from income by the TANF program or by any combination of these methods.

**Commented [MH1]:** What is authority for applying requirements only to single parents with child under 6?

\* these definitions apply only to single parents with a child under age 6

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1-2

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**Child care, appropriate~~\*,\*~~** -- Appropriate child care is affordable child care furnished by a child care provider, of the participant's choice, who has passed background checks as required by 22 M.R.S. §§ 8301-A and 8302-~~A0, A~~.

~~\* these definitions apply only to single parents with a child under age 6~~



(XXX , 2020)

1-3

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

~~(February 6, 2017)~~~~1 2~~~~Policy #23A~~

**Child care, reasonable distance~~\*,\*~~** ~~---~~ Reasonable distance means that the ASPIRE participant is required to commute no more than 15 additional miles between home and work activity in order to transport the child to the child care provider.

**Child care, unsuitability of informal care~~\*,\*~~**

~~---~~ Unsuitable child care is that provided by an individual who cannot pass a required background check or is unaffordable or would require the ASPIRE participant to travel an unreasonable distance.

**Component** ~~---~~ Education, training and employment activities approved by ASPIRE-TANF including~~\*,\*~~ ~~---~~ pre-training; educational activities through post-secondary level; job skills training; job readiness activities; group and individual job search; on-the-job training; and community work experience.

**Department of Health and Human Services (Department or DHHS)** ~~---~~ The agency authorized by Federal statutes to administer the ASPIRE-TANF program and other programs within the Office for Family Independence.

**Education** ~~---~~ Activities including remedial-education, high school or equivalency, and post-secondary certificate programs designed to prepare the participant for employment.

**Exempt from the Time Limit** ~~---~~ ~~A TANF recipient who has a~~ ~~---~~ ~~A~~ month or months that do not count against ~~his or her~~ ~~---~~ ~~participant's~~ 60-month time limit.

**Exempt from Work Participation** ~~---~~ A TANF recipient who is not required to participate in ASPIRE-TANF in accordance with Federal or State regulations.

**Extension** ~~---~~ A one to six-month time period during which TANF benefits may be received, based on hardship, approved by the Department. ~~This~~ ~~An extension~~ allows a household to receive benefits past its 60-month time limit, when the recipient is complying with program rules and meets all other TANF eligibility requirements.

**Fair Hearing (also known as an Administrative Hearing)** ~~---~~ A hearing conducted before a Department of Health and Human Services hearings officer in which a participant has an opportunity to dispute a decision made by the Department. ~~The~~ ~~hearings officer's~~ decision is binding on all parties involved in the particular case.

**Family Contract** ~~---~~ A form signed by a representative of the Department and each TANF caretaker relative that states the responsibilities of the parties to the agreement, including but not limited to cooperation in child support enforcement and determination of paternity, and the requirements of program participation. ~~The~~ contract may also include referral to parenting activities and health care services where the need for such services has been established.

~~\*~~ ~~these definitions apply only to single parents with a child under age 6~~

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(XXX, 2020)

1-4

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**Family Contract Amendment ~~(FCA)~~** -- The binding agreement ASPIRE participants enter into with the Department, ASPIRE Unit, pursuant to 22 M.R.S. ~~A-§ 3788~~ (4-A). In these agreements, specific action steps are listed that both the Department and the participant agree to perform. ASPIRE support services to be provided are listed in the FCA.

~~\* these definitions apply only to single parents with a child under age 6~~

MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES

~~(February 6, 2017)~~ ~~1 3~~ ~~Policy #23A~~

**Federal Department of Health and Human Services, Administration for Children and Families, Office of Family Assistance (HHS/ACF/OFA)** -- The federal agency that administers and regulates the TANF Program and other programs of the Department of Health and Human Services, Office for Family Independence, and provides block grant funds for these programs.

**Field Training** -- A non-wage, time limited, training placement with a public, private non-profit or profit employer which enables the participant to explore a preliminary career decision, gain experience in the work world and/or improve specific job skills.

**Fraud, Investigation and Recovery Unit (FIRU)** -- the unit in the ~~department~~Department responsible for investigating allegations of misuse, fraud, and over-payments. The unit also is responsible for seeking repayment when appropriate or referring the matter to the Attorney General’s office for prosecution.

**Food Supplement Employment and Training (FSET)** -- The employment and training program administered under 7 C.F.R. § 273.73, 22 M.R.S. § 3104, and 10-144 C.M.R. chapter 609, that provides case management, education, training, supports and employment services to help Food Supplement recipients find and keep jobs.

**Gainful Employment** -- Activities that a person can perform which are intended to provide an income and which are a source of consistent revenue for the worker, such as a steady job.

**Good Cause** -- Acceptable reasons, as determined by the Department of Health and Human Services, for a participant’s failing or refusing to participate in ASPIRE-TANF or in a particular ASPIRE-TANF component.

**Higher Opportunity for Pathways to Employment (HOPE)** -- The program administered under 22 M.R.S. § 3790-A, and 10-144 C.M.R. chapter 330, that provides support services such as child care and transportation and voluntary student navigation services to help low income students who are parents of minor children.

**Intentional Program Violation (IPV)** ~~means that--~~ An IPV occurs when an individual has purposely misused “cash benefits” or other benefits, and/or misrepresented actual circumstances in order to receive benefits, and the individual would not have been eligible had the proper information been available at the time of application, redetermination of eligibility, or within ten days of the change in circumstances. An IPV will result in a referral to the Fraud, Investigation and Recovery Unit (FIRU) for further review and recovery.

**Job Club** -- A structured and supervised job search group which assists participants in their efforts to obtain and retain employment.

**Job Development/Placement** -- Specific actions by ASPIRE-TANF or a service provider in identifying subsidized and unsubsidized jobs, marketing participants based on their career goals for those jobs and securing job interviews for participants.

**Commented [MH2]:** Did you mean to cite to 273.7?

**Commented [MH3]:** This is the general SNAP authority statute. Nothing about FSET.

**Commented [MH4]:** Why are we including FSET here if it’s governed under separate rules?

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(XXX, 2020)

1-6

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**Job Readiness** ~~---~~ Pre-training activities focusing on life management skills, work maturity skills, work place expectations and work behavior and attitudes necessary to succeed in the labor market.

**Job Search** ~~---~~ Counseling and pre-employment training on job-seeking skills either individually or in groups. The group "Job Club" is the preferred job search activity.

**Job Skills Training** ~~---~~ Vocational training focusing on the required skills, knowledge and abilities of a specific occupation or business.

**MaineServe** ~~---~~ A community service program designed to provide parents who are eligible for TANF opportunities to serve their communities and the State in a manner that assists them in developing and renewing their skills in ways that may lead to employment that is sufficient to sustain their families.

**Matriculation** ~~---~~ For the Parents as Scholars Program, matriculation is defined as acceptance and enrollment into any two-year or four-year academic program in an institution of post-secondary education.

~~(February 6, 2017)~~ ~~1-4~~ ~~Policy #23A~~

**Net Loss of Cash income** ~~---~~ Net loss of cash income results if the family's gross income, less necessary work-related expenses, is less than the TANF benefit and any other cash assistance the participant was receiving at the time the offer of employment is made.

**Non-Compliance** ~~---~~ Failure of a mandatory ASPIRE recipient to sign or abide by the terms of the Family Contract Amendment without Good Cause, which will result in termination of benefits to the individual for the lesser of ninety (90) days or until the failure to comply ceases.

**Office for Family Independence (OFI)** ~~---~~ The organizational unit with the Department of Health and Human Services which administers the ASPIRE-TANF program. OFI also administers the following services: TANF, Food Supplement Benefits (SNAP), General Assistance, MaineCare, HOPE, Support Enforcement and Recovery, and Emergency Assistance.

**On-the-Job Training (OJT)** ~~---~~ A means by which a participant is hired and trained in a specific occupation by a private or public employer who receives a partial reimbursement of wages paid for providing skills and training necessary to perform the job (See ASPIRE-Plus).

**Order of Reference** ~~---~~ A document in which the Department's Commissioner gives specific instructions to the Office of Administrative Hearings regarding the issues to be addressed at hearing and the handling of a hearing request. ~~This~~ These instructions may include, but ~~is~~ are not limited to, an instruction that the Hearing Office issue recommended findings and a recommended decision with the authority to make the final findings and decision reserved to the Commissioner.

**Parents as Scholars Program (PaS)** ~~---~~ A student aid program based on need for up to ~~2000~~ 2,000 participants, to aid needy students who have dependent children and who are matriculating in post-secondary undergraduate 2-year and 4-year degree-granting education programs.

**Participant** ~~---~~ A TANF recipient who is involved in ASPIRE-TANF activities.

(XXX , 2020)

1-7

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**Period of Enrollment** --- The time frame from the opening of activity with the ASPIRE-TANF program, until participation with ASPIRE-TANF is ended.

**Pre-Training** --- Activities designed to prepare the participant for occupational skills training, post-secondary education and employment. Such activities include secondary education programs, job readiness activities, employment counseling, field training, self-employment evaluation, and referral to services to improve life-management skills.

**Sanctions** --- Actions taken by the Department of Health and Human Services as a result of a participant's failing or refusing to participate in ASPIRE-TANF without Good Cause. These actions generally cause a reduction in TANF and Food Supplement benefits for a specified time period for participants who are not exempt, and a loss of services for a specified time for voluntary participants.

**Satisfactory Progress** --- The requirement that a participant meet standards of performance imposed by an educational or training institution and by ASPIRE-TANF while participating in an education or training activity.

**Support Services** --- Services such as child care, transportation, eye and dental care, which enable the participant to complete the Family Contract Amendment and take employment.

(XXX, 2020)

1-8

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

~~(February 6, 2017)~~ ~~1 5~~ ~~Policy #23A~~

**TANF Recipient** --- An individual whose family's financial needs are met in part with TANF payments in accordance with the Maine Public Assistance Manual.

**TANF Single Parent Family** --- A TANF family which receives benefits under the program authorized in the Federal Social Security Act, as amended by the *Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996*, and the *Deficit Reduction Act (DRA) of 2005*, whose children are deprived of parental support or care by reasons other than the underemployment of the parent who is the principal wage earner, or the incapacity of a parent.

**TANF Two Parent Family** --- A TANF family which receives benefits under the program authorized in the Federal Social Security Act, as amended by the *Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996*, and the *Deficit Reduction Act (DRA) of 2005*, whose children are deprived of parental support or care either by reason of the underemployment of the parent who is the principal wage earner, or by reason of incapacity of a parent.

**Time Limit** --- The limit of 60 months during which a family may receive TANF assistance in the absence of the family qualifying for a time limit exemption or extension.

**Training and Work Site Agreement** --- An agreement which is included as part of the Family Contract Amendment and which stipulates specific performance requirements for a participant enrolled in education, training and/or work experience.

**Transitional Employment for Maine Parents (TEMP)** --- a volunteer work experience position.

**UP** --- Unemployed Parent refers to the cases where TANF eligibility is based on the unemployment or under-employment of one of the parents in the household.

**Up-front Job Search** --- Newly-granted TANF recipients who are considered job-ready, and who are eligible for TANF based on unemployment of the primary wage earner or single parent recipients whose children are 5 years of age or older, may participate in individual or group job search activities during the work evaluation phase of involvement with ASPIRE-TANF.

**Voluntary Participant** --- A TANF recipient who is not required to participate, by Federal or State regulations but chooses to enroll in ASPIRE-TANF.

**Work Activities** --- Work activities are those activities that are allowable under PRWORA (Sec. 407, (d)), and are listed in this manual in Section 3 (IV)(A)(3) and (IV)(B)(2).

**Work Eligible Individual (WEI)** --- An adult, or a minor child, who is a head of household, receiving assistance under TANF or a separate State program, who is not otherwise exempted from meeting a work requirement.

**Work Evaluation** --- Consists of all activities related to Assessment, employability plan development and initial amendment to the Family Contract Amendment. Work evaluation is limited to a maximum of 90 days, unless extended by the Commissioner (or the designee of the Commissioner).

(XXX, 2020)

1-9

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

**Work Experience** -- This is a generic term used to describe a variety of experiential activities (such as TEMP, On-the-Job Training, Community Service, etc.) that lead to, or include, employment.

~~(February 6, 2017) 1-6 Policy #23A~~

**Work Readiness Activities** -- These activities include job shadowing, job coaching, mentoring, situational assessment, and any other activity that will encourage obtaining or retaining employment.

**Working Cars for Working Families** -- Temporary transportation assistance program pursuant to 22 M.R.S. § 3769-F, which assists participants in obtaining and maintaining sustainable employment by providing them with access to reliable, affordable transportation. This program is designed to be an employment support and to comply with applicable federal TANF regulations.

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**END OF SECTION**

MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES

**SECTION 18: WORKING CARS FOR WORKING FAMILIES**

**SUMMARY:** This section describes the temporary Working Cars for Working Families Program (referred to in this Section as “the Program”), which is created to provide transportation for low-income individuals to obtain and retain employment. This Section establishes the Program, sets out eligibility and ongoing participation criteria, and describes the application and decision-making processes.

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**I. AUTHORIZATION AND SCOPE**

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The Department is authorized to operate the Working Cars for Working Families Program by 22 M.R.S. § 3769-F. The authorization expires as of July 1, 2022, at which time the Program shall be repealed. *Id.* The purpose of the Program is to temporarily assist participants in obtaining and maintaining sustainable employment by providing them with access to reliable, affordable transportation.

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**II. PHILOSOPHY**

The purpose of the Program is to assist participants in obtaining and maintaining sustainable employment by providing them with access to reliable, affordable transportation. The Program is designed to be an employment support and to comply with applicable federal TANF regulations.

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**III. ADMINISTRATION**

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A. General — Until July 1, 2022, and subject to the availability of funds, the Department shall administer the Working Cars for Working Families Program in accordance with this Section. The Program shall endeavor to provide long-term transportation solutions to eligible program participants, and the Department may exercise its discretion in determining the pursuant to the most effective and efficient way to achieve that goal with the limited resources and time period provided under statute. In such exercise of its discretion, the Department may determine that the Program will include different transportation options. Such options may include, without limitation—furnishing purchased or donated vehicles to participants; coordinating public or private transportation; facilitating car shares among participants; ride or shuttle service; or providing driver instruction or education. These rules include some provisions that expressly apply only to certain such options, but nothing in these rules or in those specific provisions shall be construed to require the Department to provide such options.

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Commented [MH5]: Rules are meant to be enforceable requirements both on those who are eligible for benefits, providers of those benefits, as well as the Department. This type of discretion is problematic. If the Department does not wish for beneficiaries to enforce any particular type of assistance, then it should not include detailed rule provisions for same. I suggest you delete this sentence.

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Commented [MH6]: See memo. Please let's discuss.

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B. Definitions –

- 1. For purposes of this Program, “Sustainable employment” is employment that leads or is expected to lead to a family ending its financial need for cash assistance, including TANF, PaS, and Alternative Aid. “Employment” within the meaning of this Section does not include self-employment or any form of employment that involves a subsidy to the employer.
- 2. For purposes of this Program, “Earned income” is as defined in 10-144 C.M.R. Ch. 331 Introduction and Definitions and limited by Subsection III (B) of this Section.

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Commented [MH7]: Dept should state more clearly what it wants “Earned Income” to mean for purposes of this rule. For example, copy and paste the definition from the separate rule here so it is in one place, and state clearly what limits the Dept. wants to apply.

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MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES

C. Funding Contingencies -- Pursuant to authorizing statute, funding for the Working Cars for Working Families Program is limited to \$6,000,000 allocated from the federal TANF block grant accrued prior to state fiscal year 2017-2018. If the Department finds that its continued administration of the Program will or is reasonably likely to exhaust that funding before June 30, 2022, it will follow the procedures in this subsection to minimize the impact on program participants.

1. If funding allows, the Department shall stop accepting or processing new applications or Transportation Program Agreements (see Subsection VII), and shall continue to honor all current, signed Agreements to their completion date.

2. If funding is not sufficient to maintain current programming as described in subparagraph 1, the Department shall reduce specific transportation services and/or the frequencies with which such services are provided, giving as much advance notice to affected program participants as is reasonably practicable. The Department shall effectuate reductions and eliminations under this subsection on a generalized and categorical basis, and shall not make case-by-case elimination or reduction decisions.

3. If funding is not sufficient to maintain current programming as provided in subparagraph 1 or to equitably reduce or eliminate programming as provided in subparagraph 2, the Department shall terminate all Transportation Program Agreements and end all services, providing as much advance notice to program participants as is reasonably practicable.

4. The Department will notify program participants of reductions or program termination no less than fourteen (14) calendar days in advance of the reduction or termination of service.

~~Categorically applicable denials, reductions, and service terminations based on funding limitations are not subject to administrative appeal.~~

Commented [MH8]: These provisions are too vague. Suggest removal of subpart (C).

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Commented [MH9]: What dollar figures or other objective criteria or factors will the Department utilize in making determinations? Who will decide? DHHS or the contracted vendor? What type of notice will be issued to participants?

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Commented [MH10]: Put in a requirement for advance notice: 14-21 days?

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Commented [MH11]: What does this last sentence mean?

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IV. ELIGIBILITY DETERMINATION PROCESS

A. General -- The Department shall determine program eligibility and enrollment as follows:

1. The Department shall determine whether an application meets the financial and nonfinancial program eligibility criteria set out in Subsection V;

2. If the Department finds that an application meets the eligibility criteria, it will notify the applicant, and schedule and conduct an in-person assessment with the applicant, in accordance with Subsection VI; and

3. If the Department finds that Program participation is appropriate for the applicant, it will determine whether there are available Program resources that would remediate the applicant's transportation barriers.

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Commented [MH12]: Zoom or telephone sufficient?

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Commented [MH13]: Too vague.

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**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

B. Application -- To facilitate the process described in Subsection IV (A), the Department shall develop a uniform application for the Program, which will allow the Department to evaluate an applicant's eligibility under Subsection V. The application will also include a list of transportation services that may be available, from which the applicant may indicate the specific service(s) sought. Applicants may submit completed applications at any of the Department's regional offices or at statewide offices where ASPIRE services are provided.

**Commented [MH14]:** The application should list available services, not ones that "might" be available.

C. Enrollment -- The Department shall determine whether an applicant may receive transportation services under this Section—and if so, what specific services to provide—based on the following:

**Commented [MH15]:** Whatever services are available are not defined in this rule.

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1. The Department's review of the applicant's eligibility under the Basic Eligibility Criteria in Subsection V, including the applicant's timely production of any necessary or requested verifications that confirm such eligibility;
2. The applicant's timely compliance with requests for verification and attendance at the scheduled assessment;
3. The Department's review of the applicant's transportation needs, employment situation, and suitability for the Program, in accordance with Subsections V and VI; and
4. The availability of Program resources, and non-program alternatives, that will reasonably address the applicant's transportation needs.

**Commented [MH16]:** Vague. What is required for people to get services?

If in its evaluation of factors 1-4, the Department determines that participation in the Program is appropriate, it will notify the applicant in accordance with Subsection IV (D). Program enrollment and service delivery shall not occur until the qualified applicant has executed a Transportation Program Agreement under Subsection VII (A).

D. Decision -- Within 30 days of a complete application, the Department will issue a written determination of eligibility at the conclusion of its evaluation. If the applicant is not deemed eligible and qualified for the program pursuant to Subsections V or VI, or if the Department determines that the applicant will receive a transportation service that is not the applicant's first preference, then the notice will identify the reason(s) for the denial or for the particular service selection. The decision will be provided to the applicant within thirty (30) calendar days of the date the Department receives the completed written application, provided the applicant has replied to requests for verifications in a timely manner and attended the scheduled assessment. The notice of decision will include information on appeal rights when applicable.

**Commented [MH17]:** Are in person assessments truly necessary? Can you do them via phone or Zoom, etc?

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**Commented [MH18]:** Give the right to an appeal.

E. Waitlist -- If the transportation service that an eligible individual requires is not immediately available, the Department will maintain a waitlist that will include the individual's contact information, affirmative eligibility determination, and service request. When the service becomes available, the applicant will be contacted by their preferred method of contact that the individual stated during their Assessment (e.g., telephone, text, email, written postal

MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES

mail). If the individual does not respond to that preferred method of contact within two (2) business days, they will be mailed a written notice, which, if more than sixty (60) days after the applicant's first assessment, will include the date and time of a new Assessment appointment. If the waitlisted participant fails to contact the Program within ten (10) business days of the date the notice was issued by the Department, the individual will be closed from the Program and removed from all Program waitlists.

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Commented [MH19]: Within 2 business days of what? Receipt of the notice? How will Dept. know that individual received notice? 2 days is not a long period of time

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Commented [MH20]: Let's work on this language. Confusing.

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Commented [MH21]: Where are the services defined?

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V. BASIC ELIGIBILITY CRITERIA

A. Financial Eligibility -- Applicants must meet one of the following financial eligibility requirements to receive transportation services as part of the Program:

1. As of the date of application, the applicant must be an included member of an open case in Maine for, and be receiving, federally-funded TANF or TANF-PaS; or
2. The applicant's filing unit (within the meaning of the Maine Public Assistance Manual, Chapter II) must have gross income at or below the gross income standard applicable to Alternative Aid applicants, pursuant to the Maine Public Assistance Manual, Chapter IX.

Commented [MH22]: Add citations to the regulation that the Dept. seeks to enforce.

Is this the eligibility group from 22 MRS 3763(8)?

B. Transportation Need -- To be eligible for the Program, applicants must demonstrate that adequate reliable transportation is their primary barrier to obtaining or retaining sustainable employment. In assessing this need, the Department may require an applicant to make a written statement as part of the application, explaining the applicant's transportation limitations and how they impact job prospects. Determining whether an applicant meets this eligibility criterion will require the Department to consider the facts and circumstances of each individual applicant. At a minimum, the applicant shall provide details concerning, and the Department shall consider, the following:

1. Employment Circumstances -- The applicant must have a reasonable likelihood of obtaining or retaining sustainable employment by participating in the Program. An applicant may meet this requirement by showing the following, or making a similar showing:
  - a. The applicant is actively working thirty (30) or more hours per week, resulting in weekly earned income equal to or in excess of the State of Maine's minimum wage;
  - b. The applicant has a job offer, or offers, that would combine for thirty (30) hours average weekly employment, resulting in earned income equal to or in excess of the State of Maine's minimum wage;
  - c. The applicant has at least one pending job application for a position the applicant is qualified for and prepared to accept, within an hour commute of the applicant's residence;

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- d. Within the last thirty (30) days there have been, or there currently are, at least three posted positions, for which the applicant is qualified and that they would have applied to but for transportation limitations, within an hour commute of the applicant’s residence; or
- e. Within thirty (30) days of Program application the applicant will receive a credential, certification, degree or other similar qualification that will enable the applicant to apply for and accept employment within a field that has had in the last thirty (30) days at least three posted positions within an hour commute of the applicant’s residence for which the applicant will be qualified upon receipt of the new credential.

2. Transportation Limitations. An applicant will be eligible for the Program only if they do not have access to sufficient transportation to maintain or obtain sustainable employment. An applicant is **not** eligible for the Program, if—

- a. They own a vehicle in reliable running condition. The Department will verify **an applicant’s lack of ownership, or lack thereof,** by searching for active registration with the State of Maine, Bureau of Motor Vehicles (BMV) and with the BMV or any like agency of any other state where the applicant lived within twelve (12) months of applying. If the applicant contends that their vehicle is not in reliable running condition, the Department will require a written statement from a State of Maine licensed vehicle inspection station;
- b. Another adult living with the applicant owns a vehicle in reliable running condition and does not use the vehicle for work or child care that **conflicts with the applicant’s actual or anticipated employment schedule. The Department will verify such lack of ownership by searching for active registration with the State of Maine, Bureau of Motor Vehicles.** If the applicant contends that the household vehicle is not in reliable running condition, the Department will require a written statement from a State of Maine licensed vehicle inspection station;
- c. Available public transportation can reliably and consistently accommodate the applicant’s actual or anticipated schedule of employment hours and child-care-provider-required pick up and drop off times, with an average commute time of no longer than one (1) hour each way; or
- d. They have consistent access to any other form of reliable transportation that does not limit the applicant’s ability to accept new employment, increase hours, change their work schedule, or meet child care needs.

C. Additional Nonfinancial Requirements—

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**Commented [MH23]:** Verification process also applies to another adult living w/ an applicant

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**Commented [MH24]:** This seems too restrictive, given that another adult living with the applicant could simply be a roommate. Suggest deletion.

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

1. Applicants must meet all of the non-financial eligibility criteria for federally-funded TANF benefits described in Maine Title 10-144 C.M.R. Ch. 331 chapter II with the following exceptions:

a. Establishing Paternity and Assignment of Rights to Support;

b. ASPIRE-TANF;

NOTE: This exception does not waive any requirements to participate with ASPIRE based on participation in other TANF-funded programs.

2. No applicant is eligible to participate in the Program if at the time of application or subsequent to the application—

a. The applicant or another member of the applicant's TANF filing unit has received three (3) or more Department sanctions including from, without limitation—ASPIRE, Division of Support Enforcement and Recovery (DSER), and Quality Control (QC) in the last twenty-four (24) calendar months; or

b. The applicant or another member of the applicant's TANF filing unit has had an Intentional Program Violation (IPV) for any needs-based benefit program in Maine, or any other state within the United States.

3. Applicants who are mandatory ASPIRE Program participants must meet the following conditions:

a. Be in compliance with the terms of their Family Contract Amendment;

b. Not have a current sanction for failing to comply with the ASPIRE Program;

c. Not be exempt from ASPIRE work participation requirements. This limitation includes federally allowed exemptions of caring for a disabled family member, or caring for a child under the age of one (1); and

d. One of the following:

i. Have been successfully meeting the ASPIRE work participation requirements without need for good cause for each of the previous three months, or since beginning participation with ASPIRE, whichever is shorter; or

ii. Have had employment of an average of thirty (30) hours per week resulting in weekly earned income equal to or in excess of the State of Maine's minimum wage for each of the previous three months, or since beginning participation with ASPIRE, whichever is shorter; or

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**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

iii. During the relevant period, have attended full time (as defined by the institution) college courses that resulted in an Associate’s or Bachelor’s Degree, or attended a training or education course(s) for an average of thirty (30) hours per week that resulted in a work credential.

4. Individuals who are not mandatory ASPIRE Program participants must meet the following conditions:

- a. Qualify as a member of a TANF filing unit, in which a qualifying specified relative is maintaining a home for a child under the age of eighteen (18), or who is eighteen (18) and attending school full time. The provisions of the Maine Public Assistance Manual, Chapter II, apply to determine whether an applicant meets the qualifications under this subsection;
- b. Be actively working thirty (30) or more hours per week, resulting in weekly earned income equal to or in excess of the State of Maine’s minimum wage before receiving any transportation service under the Program; and
- c. Attend a Program orientation and comply with all requirements associated therewith before receiving any transportation service under the Program.

D. Additional Eligibility Criteria for Vehicle Access—Applicants requesting to receive access to a vehicle through the Program must meet additional eligibility requirements to receive the service. Applicants otherwise meeting the eligibility criteria in this section may receive other transportation services available through the Program until satisfying the following criteria:

- 1. Have a current valid driver’s license in any state in the United States;
- 2. Be at least twenty-one (21) years of age;
- 3. Demonstrate the ability to responsibly own and maintain a vehicle. This demonstration includes completion of each of the following courses prior to vehicle delivery. if the Department provides them online or within twenty (20) miles of applicant’s residence:
  - a. Driver safety course (Maine Driving Dynamics);
  - b. Vehicle ownership orientation; and
  - c. Vehicle ownership course including financial preparation.
- 4. Not have been convicted of any of the following offenses, as determined by self-attestation and a background check:

**Commented [MH25]:** Suggest being more specific about these courses to ensure this is a reasonable requirement

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**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- a. Operating Under the Influence (OUI), Driving Under the Influence (DUI) or Driving While Intoxicated (DWI) in the past ten (10) years;
- b. More than two (2) moving violations or at-fault accidents in the past five (5) years;
- c. Any moving violation in the six (6) months immediately preceding Program enrollment; or
- d. Any crimes of violence leading to bodily injury of another.

5. Make a down payment to the Department in the amount equivalent to three (3) monthly premium payments, as provided in Subsection VII (C)(2). This payment may be made in no more than three (3) installments, over no more than three (3) months, and may not be waived. Participants may not receive ASPIRE, FSET, or HOPE support services to cover the down payment.

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Commented [MH26]: Guessing this could be too prohibitive for many applicants

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E. Verifications -- Except where otherwise specified, above, and unless the Department can obtain verification through its own records or the records of its agents, the Department shall require written or third-party verification of any factor impacting Program eligibility. Failure to respond to requested verifications within ten (10) business days may result in a denial.

**VI. ASSESSMENT**

A. General -- As part of the determination of Program eligibility, the Department will conduct an assessment of the applicant to evaluate the applicant's qualifications, particularly with regard to their transportation need, as set out in Subsection V(B). Provided that all eligibility criteria are satisfied, the assessment will also evaluate available transportation service options to determine the option best suited to an applicant's particular situation. The Department may determine, as a result of the assessment, that the applicant may receive program services that are different from the applicant's initial request.

B. Format and Scheduling -- The assessment will be scheduled verbally or by a written scheduling notice and shall be conducted in person between the applicant and the Department. Failure to attend a scheduled assessment without providing twenty-four (24) hours of advance notice and rescheduling at a mutually agreed time no more than one week after the original date may result in a denial. If it has appropriate information at the time, the Department may but is not required to, verbally notify the applicant at the time of the assessment that they are eligible for the Program and suitable for an available option. If such a determination is appropriate, the Department and the applicant shall execute a Transportation Program Agreement at that time, and the Department may begin providing Program services immediately, as appropriate. If the Department makes such a determination at the time of the assessment, and the applicant executes a Transportation Program Agreement, the applicant may, at their sole option, elect not to receive a separate written decision about Program eligibility under Subsection IV (D).

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Commented [MH27]: Because of COVID - can't this be done virtually or over the phone?

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**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

C. The Department shall discuss the following with the applicant during the Assessment:

1. Any information in or missing from the application that is relevant to eligibility criteria set out in Subsection V;
2. Any information in or missing from requested verifications;
3. The applicant's current employment status, including details concerning earnings and scheduled work hours;
4. The applicant's employment history from the past twenty-four (24) months, to include self-employment and subsidized employment;
5. Transportation resources currently available to the applicant;
6. The applicant's method of transportation used in the past twelve (12) months;
7. The applicant's current or anticipated travel route to child care and employment;
8. Details of any vehicles owned or registered to the individual to include, but not limited to, outstanding loans, year, make, model, mileage, condition, current status of title, registration, inspection, liens, and insurance;
9. Driving background to include a review of a background check which shall include searches of the State Bureau of Investigation (SBI) and Maine's Bureau of Motor Vehicles (BMV) records;
10. Any other matter that impacts the applicant's Program eligibility or suitability for a service or set of services; and
11. Information on the applicant's preferred method of contact.

**VII. PARTICIPATION AND CONTINUED ELIGIBILITY REQUIREMENTS**

A. Program Agreement -- Prior to receiving any services under the Program, and before any changes to services can take effect for ongoing cases, participants must execute with the Department a Transportation Program Agreement (Agreement).

1. Form and Duration -- The Agreement must be reviewed and renewed no less often than once every six (6) months, or whenever there is a material change in a participant's employment or transportation circumstances.
2. Effect -- The participant shall comply with the terms of their Agreement, and failure to do so may result in termination of enrollment, per Subsection VIII, a Program overpayment, per the Maine Public Assistance Manual, Chapter VI, and/or an Intentional Program Violation (IPV), per the Maine Public Assistance Manual, Chapter VI.



**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

3. Content -- Each Agreement shall be tailored to the facts and circumstances of the Program participant. In addition, all Agreements must include the following:

- a. An attestation by the participant that they do not have sufficient access to reliable transportation to allow the them to retain or obtain sustainable employment;
- b. A commitment that the participant will report to the Department immediately if they determine that they cannot meet the requirements of the program;
- c. A commitment that, once enrolled in the program, the participant will not voluntarily reduce hours of employment below the average of thirty (30) hours per week;
- d. A commitment that the participant will report changes of employment circumstances (including without limitation -- employer, hours, schedule, and earnings), the availability of alternative transportation options, and contact information to the Department within ten (10) days of their becoming aware of the change;
- e. A commitment that the participant will attend in-person meetings with the Program as scheduled, and no less often than once a month during the first six (6) months of program participation; and
- f. A commitment that the participant will not engage in disruptive conduct during any program-coordinated transportation service.

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Commented [MH28]: What is the purpose of this? Can meetings be done via phone or Zoom?

Commented [MH29]: The rule should include at least basic requirements for DHHS to be included in the Transportation Agreement, otherwise it will not be an enforceable contract.

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4. Content Specific to Vehicle Access Services -- Prior to receiving such service under the Program, participants eligible for and seeking to gain access to a vehicle under the Program must execute an Agreement that, in addition to the provisions specified in Subsection VII (A)(3), includes--

- a. A commitment to use the vehicle primarily for purposes of commuting to and from work;
- b. A commitment not to sell or trade the vehicle during Program participation, without prior authorization in writing from the Director of the Office for Family Independence or their designee;
- c. A commitment not to allow other members of the household to drive the vehicle;
- d. A commitment not to use the vehicle for income producing transportation services or for transportation services which result in mileage reimbursement for transporting others;

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Commented [MH30]: Is the title to the vehicle transferred to the applicant? If the applicant is the new owner, then I am not sure these restrictions would be enforceable

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**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- e. A commitment to operating the vehicle in compliance with all applicable traffic and parking laws;
- f. A commitment not to operate the vehicle under the influence of alcohol, illegal drugs, or prescription drugs that impair a person’s ability to operate motor vehicles;
- g. A commitment not to consume alcohol, illegal drugs, or prescription drugs that impair a person’s ability to operate motor vehicles while in the vehicle, whether or not the vehicle is running;
- h. A commitment to report any accidents, thefts, or similar types of incidents involving the vehicle to law enforcement immediately;
- i. A commitment to protect the vehicle from theft and vandalism by locking the vehicle and parking in well-lit areas, to the extent possible;
- j. A commitment to conduct routine maintenance on the vehicle as necessary, including but not limited to, regular cleaning of the interior and exterior of the vehicle, oil changes, and maintaining fluid levels;
- k. A commitment not to operate the vehicle when it is in an unsafe condition or in need of repairs, to report such a condition to the Department immediately, and to cooperate with the Department in arranging for necessary repairs;
- l. A commitment not to use the vehicle for any illegal activities;
- m. A commitment to make monthly premium payments timely and in-full, as described in Subsection VII (C);
- n. Subject to Subsection VII (C)(1), a commitment to timely cooperate with and assist the Department in—
  - i. maintaining active, current registration for the vehicle,
  - ii. maintaining active, current insurance on the vehicle,
  - iii. ensuring the vehicle timely passes state inspection, and
  - iv. ensuring all applicable taxes on the vehicle are paid; and
- o. A commitment to immediately return the vehicle to the Department upon demand, for failure to comply with the terms of the Agreement or the rules of the Program, including transferring title to the Department where applicable.

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**Commented [MH31]:** Let’s discuss. Unclear how, exactly, this program is supposed to work.

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18-12

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

B. Annual Review -- No less often than once every twelve (12) months following initial Program Enrollment, a participant will attest to the Department and confirm with verifications as requested by the Department that --

1. Without regard to how the participant initially gained financial eligibility into the Program, the gross income of the participant's filing unit (within the meaning of the Maine Public Assistance Manual, Chapter II) is less than or equal to 250 percent of the federal poverty level;
2. Transportation would be a primary obstacle to retaining sustainable employment if the participant withdrew from the Program; and
3. The participant continues to meet all applicable nonfinancial eligibility requirements set out in Subsection V (C) and (D).

C. Additional Vehicle Access Provisions --

1. To the extent reasonably practicable, the Department shall transfer title to all vehicles provided to program participants within thirty (30) calendars days of vehicle distribution. Prior to transferring title, in addition to determining that the participant has met all relevant eligibility criteria, the Department must—
  - a. Determine that, without assistance from the Department, the participant is financially able to pay all expenses associated with owning the vehicle including, without limitation, expenses associated with the provisions of Subsection VII (C)(1)(b), below; and
  - b. Require the participant, as an additional provision of the Agreement, to—
    - i. maintain active, current registration for the vehicle,
    - ii. maintain active, current insurance on the vehicle,
    - iii. ensure that the vehicle timely passes state inspection, and
    - iv. ensure that all applicable taxes on the vehicle are paid.

2. Monthly Premiums -- Notwithstanding title to the vehicle, participants must pay to the Department a premium of \$100 by the 15<sup>th</sup> day of each calendar month in order to maintain access to such vehicle under the Program.

- a. If a participant's filing unit (within the meaning of the Maine Public Assistance Manual, Chapter II) has income greater than 200 percent of the federal poverty level, the participant's monthly premium will be \$150.

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**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

- b. A participant's first failure to make a timely monthly premium payment will result in an overpayment in the amount of the premium due and an official warning issued by letter. A second failure to make a timely premium payment will result in an overpayment and an obligation to return the vehicle to the Department, per the Agreement.
- c. Temporary Waiver -- For no more than one month at a time, the Department may waive the monthly premium and any penalty for failure to make a payment thereof, upon a participant's written or oral request and verification prior to the payment due date that—
  - i. the filing unit's income has fallen below 100 percent of the federal poverty level; or
  - ii. the participant is experiencing a crisis or extreme hardship, as determined by the Director of the Office for Family Independence or their designee.

Without regard to this Subsection, if a participant cannot pay the premium for more than two (2) months in a row or three (3) months in a twelve (12) month period, the Department will conduct a new assessment and reassign the participant to a more suitable transportation option, if one is available.

- d. Participants may not receive ASPIRE, FSET, or HOPE support services to cover the premium.

3. Program Graduation -- After a participant has made a total of twenty-four (24) monthly premium payments, in addition to the down payment, participation in the program and obligations under the Agreement will end, and the participant will retain ownership of the vehicle without continuing premium payment obligations. The Department shall notify participants in writing at the time of such graduation.

4. The Department shall pursue an intentional program violation (IPV) when a participant has knowingly failed to return the vehicle upon the Department's demand or has sold or traded the vehicle during Program participation without prior authorization in writing from the Director of the Office for Family Independence or their designee. The dollar amount of any overpayment associated with such an IPV will be the value of the vehicle at the time of the initial transfer of ownership from the Department to the participant. Such amount may not be reduced to account for depreciation, premium payments made, or any other costs incurred and paid by the participant in the course of owning the vehicle.

**VIII. TERMINATION AND APPEAL**

- A. Early Termination of Services -- Program services to a participant shall be terminated when one of the following occurs:

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Commented [MH32]: Timing issues. Let's discuss

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18-14

Policy #25A

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE FOR FAMILY INDEPENDENCE  
ASPIRE-TANF PROGRAM RULES**

1. The participant no longer meets all applicable program eligibility requirements set out in Subsection V; or
2. The participant fails to comply with a provision in their Agreement.

A participant shall not be terminated from the program due to failure to comply with their Agreement if the noncompliance concerns employment, and the participant demonstrates either --

- a. That the participant was terminated or had hours reduced through no fault of the participant; or
- b. The noncompliance was due to a medical condition or illness of the participant or a dependent who requires full time care. This noncompliance must last no more than two (2) calendar weeks. The medical condition or illness must be verified by a medical provider approved by the Department.

B. Appeal Rights -- A participant who disputes an application decision or a program decision, including a decision on a selection, reduction, or termination of transportation services; a denial of a monthly premium temporary waiver; or an overpayment; has the right to an administrative hearing, provided the request for the hearing is made timely. Department staff will complete the hearing request on behalf of the participant and file it with the Administrative Hearings Unit. See 10-144 C.M.R. Ch. 331, Maine Public Assistance Manual (TANF) Chapter VI, for additional information on Fair Hearings and Administrative Hearings and Intentional Program Violations.

1. The request for an administrative hearing must be made within thirty (30) calendar days of the issuance of the notice of action which is disputed. If the disputed decision involves the suspension or termination of transportation services which have previously been provided, and the participant requests an administrative hearing within ten (10) days of the notice, transportation services will continue pending the outcome of the administrative hearing. In no event, however, will the participant have access to continued Program services pending appeal if the participant violated a term of the Agreement specific to vehicle access.
2. The hearing will be conducted in accordance with the rights and procedures set forth in 10-144 C.M.R. Ch. 1 et seq.

**Commented [MH33]:** Participants should be entitled to appeal eligibility determinations, as well as any denial, reduction, suspension or termination of services. Unclear if that's what this language states.

**END OF SECTION**

**From:** [Moncure, Halliday](#)  
**To:** [Moynihan, Molly](#); [Beal, Kevin](#); [Abraham, Stanley](#); [Kreckel, Brendan D](#); [Gardiner, Phyllis](#); [Forster, Sarah](#); [Bensinger, Peggy](#); [Macirowski, Nancy](#)  
**Cc:** [Gregory, Jane](#)  
**Subject:** Rulemaking queries  
**Date:** Sunday, November 15, 2020 4:51:32 PM

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Dear colleagues:

AAG Brendan Kreckel and I are reviewing the final draft changes to be adopted in the Department's ASPIRE-TANF rule, 10-144 CMR Ch. 607, to implement the "Working Cars for Working Families" program per 22 MRS 3769-F (text of statute below). The law was enacted under the prior administration, and the Department is late in implementing the new program. It requires DHHS to use \$6M federal TANF block grant funds (that accrued prior to FY 2017-18 and had not been spent) for the new program, but the statute is repealed effective July 1, 2022. The Legislature intended for the program to operate between July 1, 2018 and June 30, 2022. In my opinion, once the statute repeals, the Department no longer has authority to administer the Working Cars for Working Families program. Do you agree? Based on the draft responses to comments, it appears that the Department does not share this view, and may intend to continue operating the program until the \$6M block grant funds are exhausted.

If this analysis is accurate (authority expires 7/1/2022), there are various timing problems. One issue is that, per the rule, certain requirements for participants extend beyond 7/1/2022. Another issue is that, per the RFP issued by the Department for a vendor to administer this program, the contract shall go beyond the July 1, 2022 date, to Sept. 30, 2022. The RFP was appealed by the losing bidder and a contract has not been awarded. Thus, even if the rule is adopted by the current deadline (12/18/2020), there likely will not be an entity to administer the program for DHHS, because the RFP appeal will not be complete. This exacerbates the timing concerns. The rule also includes many vague provisions, including a section about "funding contingencies" to allow DHHS to change the program requirements (or reduce or terminate services altogether) if it decides "funding is insufficient." There were hundreds of comments. We likely will advise DHHS to make significant changes to this rule that will make it "substantially different" from what was proposed, thus the agency should re-post for another 30 day comment period.

I recall in other contexts where the Department has taken the position that a program expires (or "sunsets") when appropriated funds are exhausted, and I think that we have found such positions legal. I am not sure that I have encountered this particular scenario (where a statute repeals on x date), so I am hoping for feedback based on your experience. Should we advise, in part, that it would be prudent for the Department to seek a legislative solution (to extend the statute beyond 7/1/2022 and/or revise so that it repeals whenever the funds are exhausted)? Can you refer me to other agency rules governing programs with limited funding, and how the agency addressed the eventual exhaustion of funds?

If there are other rulemaking gurus that I failed to copy here, please forward this email. Thanks as always.

Halliday

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**Effective: July 4, 2017**

22 M.R.S.A. § 3769-F

## **§ 3769-F. Working Cars for Working Families Program**

### Currentness

There is established within the department the Working Cars for Working Families Program in order to help families receiving TANF benefits or benefits under the Parents as Scholars Program and families that are financially eligible for alternative aid under section 3763, subsection 8 to obtain or retain sustainable employment by providing them with access to reliable, affordable transportation. In fiscal year 2017-18, the department shall adopt rules establishing program eligibility, participation and administration requirements. From fiscal year 2018-19 to fiscal year 2021-22, the department shall use \$6,000,000 in funds provided under the TANF block grant and accrued prior to fiscal year 2017-18 to fund the program.

This section is repealed July 1, 2022.

### **Credits**

[2017, c. 284, § NNNNNNN-12, eff. July 4, 2017.](#)

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