

## §3790-A. Higher Opportunity for Pathways to Employment Program

**1. Program established.** The department shall establish a student financial aid program based on need to be known as the Higher Opportunity for Pathways to Employment Program, referred to in this chapter as "the program," for a parent or caretaker relative of a minor child who is qualified to receive federal Temporary Assistance for Needy Families funds but does not receive Temporary Assistance for Needy Families cash assistance pursuant to chapter 1053-B and is matriculating in an education or training program, or is enrolled in a program providing remedial services necessary for the parent or caretaker relative to matriculate, that results in a high-value, industry-recognized certificate or similar credential, a postsecondary undergraduate 2-year degree or a postsecondary undergraduate 4-year degree in a health care, technology or engineering field. The department shall specify the health care, technology and engineering fields for the postsecondary undergraduate 4-year degree in department rules.

Enrollment in the program may not exceed 800 participants. To administer the program, the department may not divert funding from assistance and support services to families under the Temporary Assistance for Needy Families program pursuant to chapter 1053-B or from the operation of the Additional Support for People in Retraining and Employment - Temporary Assistance for Needy Families program pursuant to chapter 1054-A. If the commissioner reasonably anticipates that available funds will not support continued operation of the program, the commissioner shall limit or suspend enrollment or program services to the extent necessary to avoid negative effects to services provided under chapters 1053-B and 1054-A.

The program must be supported with funds provided under the Temporary Assistance for Needy Families block grant that are available under Title IV-A of the United States Social Security Act or funds transferred from that block grant to the social services block grant authorized under Title XX of the United States Social Security Act or the child care and development block grant authorized under the federal Child Care and Development Block Grant Act of 1990 and Section 418 of the United States Social Security Act. The department may not expend federal Temporary Assistance for Needy Families funds for services that meet the definition of "assistance" under regulations promulgated pursuant to the United States Social Security Act. To the extent allowable under federal law and subject to federal approval procedures associated with such funds, the program may also be supported with other federal funds, including, but not limited to, employment and training funds from the Supplemental Nutrition Assistance Program.

[PL 2021, c. 398, Pt. BBB, §1 (AMD).]

**2. Eligibility criteria.** To the extent that enrollment limits under subsection 1 permit, enrollment or continued participation in the program must be granted if the applicant or participant:

- A. Does not already have a marketable bachelor's degree; [PL 2017, c. 387, §1 (NEW).]
- B. Has the aptitude to successfully complete the proposed education or training program; [PL 2017, c. 387, §1 (NEW).]
- C. Is pursuing a postsecondary undergraduate degree, industry-recognized certificate or similar credential in a field or occupation that is identified by the Center for Workforce Research and Information within the Department of Labor as having an annual job opening rate of at least 10% or as providing opportunity for employment in high-wage, in-demand jobs in the State at the time of enrollment. For fields or occupations not so identified, the commissioner or the commissioner's designee must approve the applicant's or participant's education plan if the plan will result in a postsecondary degree, certificate or similar credential that is universally recognized and accepted by the trade or industry in which the applicant or participant intends to seek employment or is part of a career pathway plan that will lead to a similarly accepted degree or credential and is likely to provide an opportunity for employment in a job that will lead to substantial improvement in the applicant's or participant's earnings and benefits; [PL 2021, c. 149, §1 (AMD).]

D. Is making satisfactory progress in the education or training program; [PL 2017, c. 387, §1 (NEW).]

E. Has income that is equal to or below 225% of the nonfarm income official poverty line for a family of the size involved as defined by the federal Office of Management and Budget and revised annually in accordance with the United States Omnibus Budget Reconciliation Act of 1981, Section 673, Subsection 2; and [PL 2023, c. 21, §1 (AMD).]

F. Has countable assets as described in department rules in the Temporary Assistance for Needy Families program pursuant to chapter 1053-B that are equal to or below \$10,000. [PL 2017, c. 387, §1 (NEW).]

[PL 2023, c. 21, §1 (AMD).]

**2-A. Coordination with state educational institutions and programs.** The department shall consider a referral from an educational institution or program that is part of the University of Maine System; the Maine Community College System; Jobs for Maine's Graduates, established in Title 20-A, chapter 226; an adult education program established pursuant to Title 20-A, chapter 315; or the career centers established by the Department of Labor as an application for the Higher Opportunity for Pathways to Employment Program as long as, in accordance with department rules, the referral is submitted by a qualified person at the institution or program on a form provided by the department for this purpose and signed by the prospective student expressing a desire to enroll in the Higher Opportunity for Pathways to Employment Program. The department shall notify these institutions and programs of the opportunity to refer prospective students in accordance with this subsection and make available to prospective students and these institutions and programs referral forms to serve as applications for purposes of this subsection.

[PL 2021, c. 648, §13 (NEW).]

**3. Program assistance.** A program participant must be provided with a package of student aid that includes all support services necessary for participation in the program that are at least equivalent to those provided under chapter 1054-A.

[PL 2017, c. 387, §1 (NEW).]

**4. Campus-based student support and navigation.** The department shall provide annually up to \$1,000,000 in Temporary Assistance for Needy Families funds described in subsection 1 to educational institutions to establish or supplement personalized professional guidance, support and navigation services provided directly to program participants to promote program completion and student success.

[PL 2017, c. 387, §1 (NEW).]

**5. Protection from loss of income.** To the extent permitted by federal law, aid received under this section must be disregarded as income and excluded as a resource or asset for the purposes of any state, federal, tribal or municipal assistance program.

[PL 2017, c. 387, §1 (NEW).]

**6. Rules.** The department shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2017, c. 387, §1 (NEW).]

## SECTION HISTORY

PL 2017, c. 387, §1 (NEW). PL 2021, c. 149, §1 (AMD). PL 2021, c. 398, Pt. BBB, §1 (AMD). PL 2021, c. 648, §13 (AMD). PL 2023, c. 21, §1 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 131st Legislature and is current through October 15, 2024. The text is*

*subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.