

# **Ten Ways To Get By and Get Ahead: A Guide for Maine Workers And Their Families**

- 1. Time off from work: What are my rights?**
- 2. Discrimination on the job: What is it?**
- 3. I'm losing my job: What do I need to know?**
- 4. I'm unemployed: Can I get unemployment benefits?**
- 5. Education and job training: What are my options?**
- 6. Where can I find quality affordable childcare?**
- 7. What are my health care options?**
- 8. What other programs can help my family and me?**
- 9. What programs can help in an emergency?**
- 10. Can I get any tax relief?**



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# Let's Work Together...

This guide will give you an overview of many of the laws and programs that affect Maine workers. Here you can get information about your rights on the job and about programs that may help you find affordable health care coverage, education and training opportunities, quality child care and tax relief.

We are grateful to workers and advocates from around the state who have given their input on this project. We've tried to answer the questions we hear most often.

Although this guide probably won't answer all your questions, you can use the resources at the end of each section to learn more. And we hope you will contact us at 1-866-626-7059 or [info@mejp.org](mailto:info@mejp.org) if you have questions or have ideas on ways to improve the guide.

In Maine, we have improved worker protections and programs by working hard together. We hope you will join our efforts so that we can continue to help improve the lives of working Mainers.

Thank you.

May 2009

**Important Note:** Laws, programs and eligibility requirements often change. For many programs, the income eligibility guidelines change once a year. You can check the Maine Equal Justice website at <http://www.mejp.org> for an updated version of this guide.

# I. Some Important Rights for Workers

## 1:1 Time off from work: What are my rights?



### Tip 1.

State and federal laws provide some protections to workers who need time off in family emergencies. These laws may help you if you are:

- Coping with an illness or disability (yours or a family member's)
- Expecting a child or have a newborn
- Experiencing violence against you or a member of your family

- **Family Sick Leave.** This state law allows some Maine workers to use a portion of the **paid** leave time they have earned in order to care for their child, spouse, or parent who is ill.
- **The Family and Medical Leave Acts** (state and federal) give certain workers the right to **unpaid** time off from work for the birth or adoption of a child, their own illness, or the illness of an immediate family member.
- **Employment Leave for Victims of Violence.** This state law gives victims of violence, assault, sexual assault or similar crimes the right to take **unpaid** time off from work in some cases to prepare for court, receive medical treatment or other services related to the crime.

## Maine Family Sick Leave

### What is Family Sick Leave?

This Maine law gives you the right to use up to 40 hours a year of your **paid** sick time, vacation time, or compensatory ("comp") time to care for a sick child, parent, or spouse, if:

- You work for an employer (public or private) with 25 or more employees; and
- Your employer provides *paid* sick, vacation, and/or comp time; and
- You have already "earned" the amount of leave that you want to take (up to 40 hours).

## **Do I have the choice of which kind of leave (sick, vacation, or comp time) to use?**

It depends. If you have more than one kind of paid leave, then you can choose how much of each to use, unless your employer has a policy that says you must use your leave time in a certain order. For example, your employer could require you to use your vacation time first, instead of your sick time, to care for your family member. But, if you don't have 40 hours of earned vacation time, you must still be allowed to take a full 40 hours if you have earned enough other kinds of paid leave to make up the difference. In order to limit your choice like this, your employer must apply the same rule to everyone in the workplace, including those in management.

Your employer may require a doctor's note verifying that your family member is sick. However, the employer cannot require a doctor's note unless it is also required for employees who take sick leave for their own illness.

### **Who can help if my employer:**

- Refuses to let me use my sick, vacation, or comp time to take care of my family?
- Threatens to fire or otherwise punish me for requesting this leave?



**Call the Maine Department of Labor, Wage and Hour Division:**

Voice: (207) 624-6400;

TTY: 1 (800) 794-1110.

They have the authority to enforce Maine's Family Sick Leave.

### **For more information:**



**Read Maine's Family Sick Leave law in the Maine Revised Statutes at:**  
26 MRSA Section 636, which can be found on the Internet at:

<http://janus.state.me.us/legis/statutes/26/title26sec636.html>.

## **Family and Medical Leave in Maine**

### **What is Family and Medical Leave?**

There are two Family and Medical Leave laws that affect Maine workers—a state law and a federal law. They both give certain workers the right to take time off from work because of a serious health condition (yours or a family member's) or the birth or adoption of a child. Neither of these laws requires that you be paid during the leave, unless you use benefits you have earned (like sick or vacation time) for some or all of your leave.

In general, the Maine law covers more people, but the federal law gives better coverage, if it applies to you. When there is a difference between the state and federal law, you can use the one that is more generous, as long as you qualify under that law. But, you can't add your state and federal leave time together to take the maximum amount of time under both laws. Any leave time you take under one law is offset against the other.

This chart shows some of the important differences between the state and federal laws:

	<b>Maine law</b>	<b>Federal law</b>
Which employers must provide leave?	<ul style="list-style-type: none"> <li>• Employers with 15 or more employees at one location (all employees count—even those working part time)</li> <li>• State agencies</li> <li>• Cities and towns with 25 or more workers</li> </ul>	Employers with 50 or more employees, all working within 75 miles of each other Any federal, state, city or town government or agency, including schools
How much leave can I take?	Up to 10 weeks of unpaid leave in a <b>2-year period</b>	Up to 12 weeks of unpaid leave <b>each year</b>
How long must I have worked?	At least 12 months in a row	At least 12 months total, but the weeks don't have to be consecutive. You must have worked at least 1,250 hours during the 12 months before your leave (an average of about 24 hours per week throughout the year).
Can I continue my health insurance coverage while I'm on leave?	Your employer is not required to pay any of the cost of your health insurance premium while you are on leave. But, if you agree to pay the full cost of the premiums while you are out, you must be allowed to continue your health insurance coverage.	Your employer must continue your health insurance benefits just as if you were working. This includes paying for some or all of your health insurance benefits if that is what happens while you are working. Also, your employer must treat other benefits, like holiday pay, the same way that other employees on other types of leave are treated.

<p>What can I take leave for?</p>	<ul style="list-style-type: none"> <li>• If you, your spouse or domestic partner, your parent, a sibling that you share joint living and financial arrangements with, your child or your domestic partner's child has a "serious" health condition (this law does not apply to other relatives like in-laws or grandparents);</li> <li>• If you or your partner give birth to a child (both parents are eligible for this leave)</li> <li>• If you are adopting a child</li> <li>• If you donate an organ for organ transplant</li> <li>• The death of any of the individuals listed above while serving in active military duty, including members of the National Guard and reserves.</li> </ul>	<ul style="list-style-type: none"> <li>• If you, your spouse (but not domestic partner), your parent, or your child has a "serious" illness (this law does not apply to other relatives, like in-laws, grandparents, or siblings);</li> <li>• If you or your partner give birth to a child (both parents are eligible for this leave)</li> <li>• If you are adopting a child or getting a foster care child</li> <li>• If you are caring for a seriously injured or ill parent, child or spouse who is a member of the Armed Services (in this situation only, leave can be for up to 26 weeks)</li> <li>• If you need to make arrangements and attend activities when a spouse, child or parent in the National Guard or Reserves is on active duty or has been called to active duty</li> </ul>
<p>What is a "serious health condition"?</p>	<p>A serious health condition is one that:</p> <ul style="list-style-type: none"> <li>• Requires inpatient care in a hospital, or residential medical facility; OR</li> <li>• Requires continuing treatment by a health care provider. This may include treatment for chronic conditions like asthma, diabetes or mental illness.</li> </ul>	<p>A serious health condition is one that:</p> <ul style="list-style-type: none"> <li>• Requires inpatient care in a hospital or residential medical facility; OR</li> <li>• Requires continuing treatment by a health care provider. Under federal law this means treatment for a health condition that lasts for "more than 3 calendar days," including a weekend, even if you aren't scheduled to work.* This may include treatment for chronic conditions like asthma, diabetes or mental illness.**</li> </ul>

\* Your health care provider must see you and start treatment within 7 days of when your incapacity began and must see you a second time within 30 days of when it began, unless circumstances beyond your control make this impossible.

\*\* For chronic conditions, you must visit your health care provider at least twice a year. The 7- and 30-day requirements do not apply.

The chart above shows the differences between the state and federal law. The information below is the same for both laws.

### **Do I need to take all my leave time at once?**

You can take family and medical leave for your own or a family member's serious health condition all at once, or you can spread it out over time if that is what the medical condition requires. Even taking part of a single day off can count as family medical leave, if it is necessary for the treatment of a serious health condition. For example, if you have diabetes or depression, you may be able to take leave for periodic appointments or counseling sessions for continuing treatment necessary to manage this disease. Leave for the birth, adoption or foster care of a child must be taken all at once, unless the employer agrees to spread out the leave.

### **What do I have to do to take a leave?**

If possible, you must tell your employer 30 days in advance that you will need the leave. If you cannot do this, then you must inform your employer as soon as possible under the circumstances. If there is an emergency, this may mean that you can only inform your employer after the fact.

### **What medical information will I need to provide to my employer?**

Your employer can ask for a signed statement from your health care provider or your family member's health care provider that verifies that you or a member of your family has a serious health condition and the amount of leave time you need.

### **Is my job protected if I take Family Medical Leave?**

If you request or take a leave that is allowed by law, your employer cannot:

- Fire you for requesting or taking a leave;
- Refuse to give you back your job when you return (if your position has been filled, you must be given a job like it). There is a limited exception to this rule if your employer can show that other things have changed since you left
- Deny your leave request
- Penalize or harass you for requesting or taking a leave.

### **What if my employer violates the state or federal law?**

Talk to a lawyer. Your lawyer can go to court and ask that your employer give you your leave, pay you anything you are owed, pay a fine, and pay for your lawyer's fees and court costs, too.

If you qualify for a leave under the **federal** law, you can also file a complaint with the U.S. Department of Labor, Wage and Hour Division: 1 (886) 487-9243 or TTY 1 (877) 889-5627.

For violations of the state law, you can file a complaint with the Maine Department of Labor: 207-623-7900 TTY 1-800-794-1110. They may be willing to contact your employer and advocate for a favorable outcome. However, if this doesn't bring the results you are looking for, your next step would be to go to court.

### **How long do I have to file a complaint for violation of the state or federal Family and Medical Leave law?**

If you are claiming a violation of the **federal** law, you must file your complaint within 2 years of the date of the violation, or 3 years from the date of an employer's willful violation of the law. You may have a longer time to make a claim under the state law, but you should always get legal advice as soon as possible after you become aware of the violation.

### **For more information:**



Visit the Pine Tree Legal Assistance website at:

<http://www.ptla.org/familyleave.htm>

Visit the federal Department of Labor website at:

<http://www.dol.gov/esa/whd/fmla/>

Read the Maine Family Medical Leave Act at:

26 MRSA Section 843, which can be found on the Internet at:

<http://janus.state.me.us/legis/statutes/26/title26sec843.html>

## **Leave of Absence Under the Maine Human Rights Act and Americans with Disabilities Act**

### **If I don't qualify for family medical leave, but I have a disability, am I entitled to leave under these anti-discrimination laws?**

Both the Maine Human Rights Act and the ADA require employers to make "reasonable accommodations" for employees with disabilities. Under some circumstances, leave may be a "reasonable accommodation." If you need short periods of time off to obtain medical treatment, recover from a disability, or other disability-related reasons, your employer must let you use paid or unpaid leave unless your time off creates a hardship. If you need a longer leave of absence because of a disability, your employer must give you the time off, and return you to your job, unless holding open the position would impose an undue hardship on the employer.

# **Maine Employment Leave for Victims of Violence**

## **I'm a victim of violence, or a member of my family is, and I need time off from my job: What are my rights?**

Any Maine worker who is a victim of violence, or the child, parent, or spouse of a victim, must be allowed necessary and reasonable time off from work to:

- Prepare for or attend court proceedings related to the violence;
- Receive medical treatment or be with a child, parent, or spouse receiving treatment for violence; or
- Obtain necessary services to deal with the crisis.

"Violence" means any kind of violence, including domestic violence, assault, sexual assault, stalking, and certain kinds of threats, abuse, or harassment.

## **Will I be paid for this leave?**

The law does not require your employer to pay you for this leave, but your employer may choose to do so.

## **Can my employer refuse to provide this leave?**

Employers can refuse to provide this leave, but only if:

- The employer can show that he or she would suffer undue hardship from your absence;
- You did not give the employer reasonable notice of the leave under the circumstances; or
- The leave is impractical, unnecessary or unreasonable, based on facts you told your employer.

## **Who should I call if my employer refuses to give me this leave time?**



**Call the Maine Department of Labor, Wage and Hour Division:**

Voice: (207) 624-6400

TTY: 1 (800) 794-1110

## **For more information:**



**Read the Employment Leave for Victims of Violence law in the Maine Revised Statutes at:**

26 MRSA Section 850, which can be found on the Internet at:

<http://janus.state.me.us/legis/statutes/26/title26sec850.html>

**Read the rules for the Maine Department of Labor at:**

Bureau of Labor Standards (12 170, Chapter 10), which can be found on the Internet at:

<http://www.maine.gov/sos/cec/rules/12/170/170c010.doc>

## **Military Service and other leaves**

You may be entitled to a leave of absence under some other Maine laws. Volunteer firefighters have short-term leave rights related to time off to fight fires. If you are in the National Guard or other branch of the military, you may be entitled to leave after you return from military service, or while you are training. The family of a Maine resident deployed for military service lasting more than 180 days may take off the 15 days immediately preceding or immediately following deployment.

## 1:2. Discrimination on the job: What can I do?



### Tip 2.

The Maine Human Rights Commission (MHRC) is a state agency that protects Maine workers against discrimination. Contact the MHRC if you believe you have been treated unfairly where you work, or where you have applied for work, because of your race, sex, religion, sexual orientation, age, physical or mental disability, national origin, ancestry, or genetic disposition.

## The Maine Human Rights Act

**The Maine Human Rights Act** protects you against unlawful discrimination. You can file a charge of discrimination with the Maine Human Rights Commission (the Commission) if you think you have been treated differently than your co-workers because of your:

- Race or color
- Sex (includes pregnancy status)
- Religion
- Sexual orientation (or perceived sexual orientation)
- Age
- Physical or mental disability
- Ancestry or national origin
- Genetic pre-disposition (Your employer can't require you to have genetic testing done, and the results of any genetic testing can't be used to treat you differently. For example, if your mother, sister, and aunt all have had breast cancer, you can't be required to have genetic testing done to see if you are likely to get breast cancer, too.)

### **Does the Maine Human Rights Commission investigate other job discrimination?**

The Commission also investigates complaints of discrimination in employment when your employer treats you differently because:

- You told your employer you thought he or she was breaking the Maine Human Rights Act, or because you were involved in a Commission investigation. This is called "retaliation."
- You requested accommodation at your workplace for a medical or psychological condition.
- You made a workers' compensation claim in the past.
- You told your employer that you were being sexually harassed at work.
- You reported unsafe or illegal conditions at your workplace (find out more about this on page 14).

## **My employer treats me unfairly, but not for any of these reasons. Should I file a charge of discrimination?**

Your employer may have made an unfair decision for another reason that isn't covered by the Maine Human Rights law. For example, your employer may have fired you in order to hire one of his or her relatives. While this may be unfair, it is not illegal. If you aren't sure if what's happened to you is against the law, you can call the Maine Human Rights Commission and talk to an intake worker.

## **What kinds of job discrimination does the Maine Human Rights law cover?**

The law covers job discrimination related to:

- Hiring
- Firing
- Pay rates
- Job assignments
- Decisions about promoting, layoffs, or recalls
- Required testing, including medical tests
- Training opportunities
- Fringe benefits
- Retirement plans, disability benefits, or any other employment benefits
- Harassment (including sexual harassment or harassment because of your race, age, disability, or any of the other categories protected by the Human Rights Act)
- Any other terms, conditions or privileges of employment

## **What is sexual harassment?**

Illegal sexual harassment can include:

- Unwelcomed sexual advances
- Obscene or suggestive remarks
- Unwanted hugs, touches, kisses
- A request for sexual favors
- The unwanted display of pornography
- Repeated sexually offensive or off-color jokes

Both men and women have the right to make a sexual harassment complaint.

## **For more information:**



Visit the MHRC on their website at:

[http://www.maine.gov/mhrc/publications/sexual\\_harrassment\\_brochure.html](http://www.maine.gov/mhrc/publications/sexual_harrassment_brochure.html).

## **I'm a woman and my male co-worker is being paid more than me. Is this legal?**

Employers have to pay men and women the same wage for doing the same work. If men get a pay raise based on experience or the number of years worked at the company, women should get the same pay raise. If you don't have the same rate of pay as your co-workers, and you think it's because of your sex or age or one of the other categories covered under the Maine Human Rights Act, you can contact the MHRC to talk to them about filing a complaint.

It is important to know that in Maine, "equal work" doesn't need to be exactly the same job. Maine law also requires employers to pay the same wage for jobs that are "comparable." This means that two jobs that may have a different title, but really require the same amount of skill, effort, and responsibility, must be paid the same.

**Example:** Lauren works as a clerk for a hardware store. Tom works as a warehouseman for the same store. Lauren's job duties include working in the warehouse, on the floor, and at the cash register. Tom works mostly in the warehouse, but also sometimes on the floor of the store. Even though they have different jobs, the employer may be required to pay them equally if the level of skill, effort, and responsibility in both of their jobs is comparable.

Sometimes there are two jobs that are nearly the same, but one has a few extra responsibilities. In this case, it would probably be legal to pay more to the person with more responsibility. The law also allows employers to pay workers doing the same or comparable jobs differently when there is a legitimate reason for the difference. For example, workers can be paid differently based on the length of time they worked for the employer, how well they do the job, or for the amount of work they produce—but only if these factors are applied equally to all workers.

If you are a woman and think you are being paid less than your male co-worker for a comparable job, you can file a complaint with the Maine Department of Labor (MDOL), the department that enforces this part of the law. To request an Equal Pay Complaint form from the MDOL, call (207) 626-6400, or you can get one at [http://www.maine.gov/labor/labor\\_laws/wagehour.html](http://www.maine.gov/labor/labor_laws/wagehour.html)

### **For more information on pay discrimination:**



**Maine Department of Labor, Wage and Hour Division**  
45 State House Station  
Augusta, ME 04333  
Voice: (207) 626-6400

**Maine Equal Justice**  
Voice: (207) 626-7058 or toll-free at 1 (866) 626-7059

## **What should I do if I think I've been discriminated against?**

If you think your employer has discriminated against you for one of the reasons covered by the law (like your age, race, or gender), here are some of the actions you can take:

- Talk with your supervisor and see if the problem can be fixed. You may be able to solve the problem without filing a complaint with the MHRC. For example, if one of your co-workers is sexually harassing you, tell your supervisor so he or she has a chance to fix the problem. If your supervisor is the one who is sexually harassing you, talk to the person who supervises him or her.
- Find out if any of your co-workers think they have been discriminated against, too. For example, other women on your shift may also feel that they should have been given a promotion that went to a less qualified man. Or other older employees may also feel they are being pushed out of the workplace. If you find others with the same concerns, you may be able to work together to change your work situation.
- File a complaint with the MHRC.

## **How do I file a complaint with the Maine Human Rights Commission (MHRC)?**

The first step is to call or write the Maine Human Rights Commission (MHRC) and tell them you would like to file a complaint against your employer. You will be asked to fill out an intake questionnaire, and then an MHRC intake worker will help you write and file a complaint.

You can also begin the process of filing a complaint online by going to: [http://maine.gov/mhrc/file\\_a\\_charge/instructions\\_intake\\_form.html](http://maine.gov/mhrc/file_a_charge/instructions_intake_form.html) and submitting an intake form electronically.

Your complaint has to be notarized and filed **within 6 months** of the date of the discrimination. [If you miss this 6-month deadline, you still may be able to file with the federal Equal Employment Opportunity Commission (EEOC)]. Your claim must be against an employer with 15 or more employees, and must be covered by EEOC law. You must file with the EEOC within 300 days of the discrimination. The EEOC will investigate your complaint, instead of the MHRC. You can file the EEOC complaint at the MHRC and the MHRC staff will help you draft the complaint.

The MHRC will investigate your complaint. First, they will send a copy of your complaint to your employer. Then the investigator may ask you and your employer questions to learn more about what happened. They may also talk to witnesses. You and your employer can agree at any point in the process to work out a settlement. This might include back pay, getting your job back, and attorney's fees. If you and your employer can't resolve the matter, a report will be written and the MHRC

Commissioners will decide if they think there are “reasonable grounds” to believe unlawful discrimination happened. The MHRC may decide to take the case to court if you and your employer still can’t resolve the problem, or you can ask a private attorney to take your case to court.

### **Does the Maine Human Rights Act only cover employment?**

No, it also covers discrimination in these other areas: housing, education, access to public accommodations, and credit transactions.

### **How do I contact the Maine Human Rights Commission (MHRC)?**



#### **Maine Human Rights Commission**

51 State House Station

Augusta, ME 04333

Voice: (207) 624-6050

TTY: 1 (888) 577-6690

Fax: (207) 624-6063

Online: <http://www.maine.gov/mhrc/index.shtml>

### **How do I contact the Equal Employment Opportunity Commission (EEOC)?**



#### **Equal Employment Opportunity Commission**

John F. Kennedy Federal Building

475 Government Center

Boston, MA 02203

Voice: 1 (800) 669-4000

TTY: 1 (800) 669-6820

Fax: 1 (617) 565-3196

Online: [www.eeoc.gov](http://www.eeoc.gov)

## 1:3. I'm losing my job. What do I need to know?



### Tip 3.

Maine Law provides some protections for workers when they leave their jobs. These include:

- Protection against being fired or laid off, if the employer's decision is based on unfair treatment because of your race, sex, religion, sexual orientation, age, physical or mental disability, national origin, ancestry or genetic predisposition;
- The right to wages that are owed, including pay, earned vacation time, and sometimes even severance pay;
- In some cases, the right to continue to get health insurance coverage under the company's plan after leaving the job (although the former employer is no longer responsible for any part of the premium cost).

### When is it illegal to fire a worker?

In most situations, it is not illegal for an employer to fire a worker. But, if you have a contract, it may include some protections.

In some cases, it is illegal to fire you:

- **Workers' Compensation Protections:** It is illegal to fire you because you make a claim for workers' compensation benefits.
- **Discrimination:** The Maine Human Rights Act protects you against unlawful discrimination. You can file a charge with the Maine Human Rights Commission (MHRC) if you think you were fired because of your race or color, sex (includes pregnancy status), religion, sexual orientation, age, physical or mental disability, ancestry or national origin, or genetic pre-disposition.
- You can also file a charge if you think you were fired because you complained to your employer about discrimination or because you were involved in an MHRC investigation.
- **Protections for "Whistleblowers":** It is illegal to fire a person for being a "whistleblower." A whistleblower is a person who reports an action or condition at his or her workplace that he or she believes is either very dangerous or illegal. If you are a whistleblower, you can't be fired, or threatened with firing, for:
  - Reporting a violation of the law;
  - Reporting a risk to health and safety;
  - Refusing to follow an order that you believe is illegal or would expose you or others to serious injury or death (you must have first tried to correct the problem by talking to your employer);
  - Participating in an investigation or court action; or

- Reporting what you believe to be improper care of a patient in a nursing home, hospital, clinic, or other health care practice to your employer, the patient, or an appropriate licensing facility.

### **What should I do if I think I was fired for any of the reasons listed above?**

If you think you were fired because your employer unlawfully discriminated against you, because you made a complaint to the Human Rights Commission or because you “blew the whistle”, you can file a complaint with the Maine Human Rights Commission:



#### **Maine Human Rights Commission**

51 State House Station

Augusta, ME 04333

Voice: (207) 624-6050

TTY: 1 (888) 577-6690

Fax: (207) 624-6063

Online: <http://www.maine.gov/mhrc/index.shtml>

You can complete an intake form online at:

[http://www.maine.gov/mhrc/file\\_a\\_charge/index.html](http://www.maine.gov/mhrc/file_a_charge/index.html)

If you think you were fired for filing a Workers’ Compensation complaint you can file a “Petition for Reinstatement” with the Workers’ Compensation Commission. This petition is available on-line from the Workers’ Compensation Board at

<http://www.maine.gov/wcb/petitions/wcb171.doc>. You may also contact the office in Augusta by phone at 287-3751.

Read “Discrimination on the Job: What can I do?” on page 9 for more information.

### **Are there any other reasons why my termination from work might have been illegal?**

Your employer may not fire you solely because:

- You were called for jury duty;
- The state is taking money out of your paycheck for child support;
- The state is taking money out of your paycheck to collect an overpayment of public benefits; or
- You complained about not getting overtime pay or minimum wages.
- Your employer was contacted to verify your eligibility for certain public benefits. For example, Anne is getting General Assistance from her town. The town welfare director calls Anne’s boss to verify her income in order to find out if Anne qualifies for help from the town. The law says that Anne’s boss cannot penalize her because the state or town asked for information about Anne.

## **Do I have to tell my employer in advance if I'm planning to quit my job? Does my employer have to tell me in advance if my job is ending?**

The law does not require you to tell your employer in advance if you plan to quit your job. It also does not require your employer to tell you in advance that he or she plans to discharge you, except in cases of plant closings or mass layoffs.

Maine law does allow employers in manufacturing and mechanical businesses to contract with their employees to require that they give one week's notice of their intention to quit. Whenever this is done, the employer must also agree to give one week's notice of its intention to discharge the employee. If an employee who has signed a contract like this quits without giving notice, the employer can withhold a week's pay. Similarly, if an employer who signed this contract fails to give notice, the employer must pay the employee one week's wages.

Generally, non-union employees do not have contracts and are considered "at-will" employees. In this case there is no promise by either the employer or employee that employment will continue or that any amount of notice is required before the end of the employment relationship. However, it is customary in many industries for employers to expect employees to give two weeks' notice and, if the employee gives less, he or she risks the possibility of a bad reference or not being rehired. But, employers cannot withhold an employee's pay for not giving notice except in the limited situations described above.

### **Are there other protections for workers?**

When a labor contract exists between your employer and your union, you probably have a grievance process and cannot be discharged without good cause. Even if you are not a union member, you may have rights to union representation if you are going to be fired.

Some workplaces that are not unionized also have a personnel policy that may include "good cause" for discharge and a grievance process. Ask your employer or personnel manager if you are covered by a personnel manual and ask for a copy of it.

Employees of cities and towns often cannot be discharged without cause. These employees have a right to notice of the reason for discharge and a brief hearing to tell their side of the facts.

Consult with your union or a lawyer if you think your employer has violated a contract between you and your employer.

## **I left my job and my employer hasn't paid me yet: what can I do?**

When your job ends, your employer must pay you all of the wages that you are owed.

If your employer has a policy of paying employees for earned, but unused vacation time when their employment ends, then vacation time will be considered "wages" and must be paid along with all other wages if you are fired or leave your job.

But, if you lose your job because your employer becomes insolvent, any "wages" due to you **must** include any fringe benefits that you earned including vacation time, health care and retirement.

Your employer cannot withhold wages from you to settle a debt he or she claims you owe. The only exceptions to this rule are:

- If you asked your employer to advance your pay, and you promised in writing to repay your employer through withheld wages;
- If your employer accidentally overpaid you and you quit your job before the overpayment could be recovered; OR
- If you have already taken sick or vacation time that you have not yet earned.

In any of these cases, your employer can withhold the amount overpaid from your last check.

Your employer must pay you all of the wages that you are owed on whichever of these dates come first.

- The next regular payday after you leave;
- Within 2 weeks from the time that you ask for your pay.

If your employer does not pay you on time, you have two choices. You can ask the Maine Department of Labor to collect your wages for you, or you can hire your own lawyer to do it.

If your employer has illegally held your pay, the court can order your employer to pay:

- The amount you are owed, including a reasonable amount of interest;
- An additional amount as damages, equal to two times the amount you are owed; and
- Reasonable attorney's fees.

## **Who should I call if my employer refuses to give me my back wages?**



**Maine Department of Labor**  
Wages and Hours Division  
Voice: (207) 624-6400  
TTY: 1(800) 794-1110

You can also hire a lawyer on your own.

**For more information:**



Read the Maine law at:  
26 MRSA Section 626, which is available on the Internet at:  
<http://janus.state.me.us/legis/statutes/26/title26sec626.html>

**What if my employer goes bankrupt or out of business and doesn't pay me what I'm owed?**

If your employer goes bankrupt or out of business and does not pay you, the State of Maine Wage Assurance Fund (the "Fund") will pay up to 2 weeks of the wages owed to you. If you get help from the State's Wage Assurance Fund, you will only receive payment for your actual wages, that is, only for the work for which you did not get paid. In this case "wages" do not include benefits like vacation or holiday pay, sick pay, insurance premiums, or severance pay.

If you are owed wages for more than 2 weeks, the Fund will pay for the highest 2 weeks of pay you are owed. If you do not receive all of your back pay from the Fund, or if you are owed vacation pay or other benefits from your employer, talk to a lawyer about whether you can recover these amounts, too.

**How do I apply for help from the Wage Assurance Fund?**



Contact the Bureau of Labor Standards  
Maine Department of Labor  
Voice: (207) 624-6400  
TTY: 1 (800) 794-1110

Ask for a "verification of eligibility" form to make a claim under the Maine Wage Assurance Fund. You will get a written decision from the Department of Labor telling you if you are eligible for help from the Fund. If you disagree with that decision, you can ask for a hearing by contacting the Director of the Bureau of Labor Standards at the telephone number listed above.

**For more information:**



Read the rules for the Maine Department of Labor at:  
Bureau of Labor Standards (12 170, Chapter 3), which  
are available on the Internet at:  
<http://www.maine.gov/sos/cec/rules/12/170/170c003.doc>

## **Am I entitled to severance pay if I'm laid off from my job?**

Under Maine law, some employees are eligible for severance pay if their plant closes, moves, or lays off a large number of employees. You may be eligible for severance pay, equal to 1 week's pay for each year of employment, if **all** of the following are true:

- You worked for the company for 3 years or more;
- The company (or part of the company) closed or moved at least 100 miles away;
- The company employed 100 or more employees at some time in the year before it closed or moved;
- You have not taken a job at the company's new location; and
- The company didn't close because of a fire, flood, other natural disaster, or because of a final bankruptcy order from the court.

If you are eligible for severance pay under a contract with your employer and this amount is smaller than what is required by Maine law, your employer must pay you the difference.

### **For more information, or to file a complaint:**



#### **Maine Department of Labor**

Bureau of Labor Standards

Voice: (207) 624-6400

TTY: 1 (800) 794-1110.

If you are a member of a union, you can contact your union representative.

#### **Read the Maine law at:**

26 MRSA Section 625-B, which is available on the Internet at:

<http://janus.state.me.us/legis/statutes/26/title26sec625-b.html>

## **My group health care coverage is ending because I lost my job (or lost hours.) Can I continue this coverage?**

COBRA (the federal Consolidated Omnibus Budget Reconciliation Act) may make it possible for you to continue to be covered by your employer's group health insurance when your employer stops paying for your coverage.

### **Who is eligible for COBRA?**

You and your family may be eligible for COBRA if:

- You quit your job
- You were laid off or fired (unless you were fired for gross misconduct)
- Your hours were reduced, so you aren't covered by your employer's health care plan anymore

Your family may also be eligible for COBRA if:

- You become eligible for Medicare
- You and your spouse get divorced or legally separated
- You die

Your child may be eligible, if he or she is no longer considered a dependent under the rules of your plan.

In order for you to qualify for COBRA:

- Your employer must have 20 or more employees (2 half-time employees count as 1 employee); and
- Your employer must continue to offer the coverage. If your employer changes health plans, you may be covered under the new plan. But if the company where you worked closes or goes bankrupt and there is no longer a health plan, you will not be able to get COBRA (unless you are a retiree or a union member covered by a collective bargaining agreement that provides for a medical plan).

### **What will COBRA cost?**

Usually, you will need to pay the full cost of your health insurance (including any share that was paid by your employer), plus a 2% administrative fee. If you became eligible for COBRA after September 1, 2008, you may have another change to get benefits at a lower cost.

If you:

- are eligible for COBRA because you were fired or laid off between September 1, 2008 and December 31, 2009; and
- are not eligible for other group health coverage (such as a spouse's plan) or Medicare; and
- elect COBRA coverage

**you may** only have to pay 35% of the premium under a special program. (Workers who earned more than \$125,000 may have to pay more than 35%.) This program also lets people who did not elect COBRA or lost benefits after electing COBRA, to re-elect benefits. If you are eligible to re-elect, you should receive a notice from the health insurance plan. If you think you may be eligible, call the plan and ask about the 'Recovery Act COBRA premium reduction program.'

If you can't afford the cost of premiums for your whole family, you can get COBRA coverage for just yourself or for just one or more of your dependents.

If you lost your job because of foreign imports and you are eligible for Trade Readjustment Allowance (TRA) assistance, you are eligible for the Health Coverage Tax

Credit (HCTC) that can help with the cost of your premiums. For more information on HCTC contact your local Maine Department of Labor CareerCenter.

### **How long can I get coverage under COBRA?**

The COBRA coverage can last up to 18 months after you lost your job. In some instances it can extend to 36 months. A covered employee's spouse who would lose coverage due to a divorce may choose to continue coverage for a maximum of 36 months. If you or a family member becomes disabled within the first 60 days of COBRA coverage the whole family may be eligible for an additional 11 months of coverage. Specific reporting requirements apply to these extensions. Check the resources below for more information. In all cases, your coverage will end if you don't make your premium payments on time, or before the end of any grace period.

### **How do I know if I am eligible? When must I elect this coverage?**

If you qualify for COBRA coverage, your employer should send you a letter when your regular coverage ends. If you don't get this letter, ask your employer if you qualify for COBRA coverage and follow up with a letter to your employer, indicating your possible interest. Keep a copy of this letter.

COBRA sets some important deadlines that you have to meet.

- Your employer must notify the Health Plan Administrator (the company that provides your health coverage) within 30 days of the date your job ended.
- The Health Plan Administrator must notify you of your COBRA rights within the next 14 days.
- You then have 60 days from the date you lost coverage, or from the date the Health Plan Administrator sent you the notice of your COBRA rights, whichever is later, to elect coverage. If you do elect coverage, it will be effective back to the date your insurance ended. Your first premium will cover the cost back to that date.

You can decide anytime within the 60-day period to take COBRA coverage. For example, if you decided not to take COBRA but then discovered you had a health problem on the 55<sup>th</sup> day after you lost coverage or the date you were notified of your rights (whichever is later), you could sign up at that time as long as you pay the premium back to the date you lost coverage or received notice.

Your employer and the Health Plan Administrator can be subject to substantial fines for failing to provide COBRA coverage. Also, your employer could be found liable in a court case if he or she fails to offer COBRA coverage in violation of the law and you have medical needs. Contact a lawyer if you think you are entitled to COBRA coverage, but you can't get it.

Important note about this section: To learn more about other health care programs and organizations that may be able to help you and your family, see Section 3.2: "What are my health care options?", on page 40.

**For more information:**



**Consumers for Affordable Health Care**

Voice (toll-free): 1 (800) 965-7476

**U.S. Department of Labor website:**

<http://www.dol.gov/dol/topic/health-plans/cobra.htm>

**For questions about the notification process:**

U.S. Department of Labor

Employee Benefits Security Administration (EBSA)

Voice (toll-free): 1 (866) 444-3272

## 1:4. I'm unemployed. Can I get unemployment benefits?



### Tip 4.

You may be eligible for unemployment insurance (UI) benefits, even if you:

- Quit your job
- Were fired, but not for “misconduct” that caused serious harm to your employer
- Are still working but your hours are cut and you are forced to work less than full-time
- Are enrolled in a training program and not looking for work
- Can no longer do the work you have always done
- Worked for very low wages or part time

**When in doubt, apply!**

### **Unemployment Insurance Benefits**

The unemployment insurance (UI) program provides a weekly check to workers who lose their jobs. These benefits are intended to help people meet their basic needs while looking for a new job. In 2009, the maximum weekly unemployment benefit is \$356 a week, but the average amount that workers currently receive is approximately \$274 a week. Workers with dependent children may qualify for an additional \$10 per week per child.

This section will not give a full description of Maine’s unemployment insurance program. There are two good summaries of this program already available from:

- Pine Tree Legal Assistance:  
<http://www.ptla.org/ptlasite/cliented/benefits/unemployment.htm>
- Maine Department of Labor:  
<http://www.maine.gov/labor/unemployment/index.html>

Many people who are eligible for UI don’t know it. Only 3 out of 10 Maine workers receive UI when they lose their jobs. Many more are eligible. Some of these workers don’t apply because they just don’t think that they are eligible. This section will focus on some of the common misunderstandings about who is eligible for UI and who is not.

Here are some of the most common reasons that people think they may not qualify for UI and what the law really is in these cases:

## **“I don’t think I qualify because I didn’t earn enough money.”**

It takes fewer earnings than many people think to qualify for UI. Even a minimum wage earner or a person working part time can qualify for UI, depending on how long he or she worked. (Of course, the more wages you earned, the greater your UI check will be). For example, even a person who worked 25 hours a week at minimum wage from January 1 through July 1<sup>st</sup>, 2008, will qualify “monetarily” for unemployment benefits. This means that he or she will meet the earnings requirements to get a check.

For more information about how much a person must earn to qualify for unemployment benefits, read this information provided by the Maine Department of Labor:  
<http://www.maine.gov/labor/unemployment/publications/benefitrightsbook.pdf>

## **“I quit my job, so I don’t think I’m eligible for UI.”**

Even if you quit your job you still may be eligible for unemployment benefits if you left for one of the following reasons:

- **Illness.** You quit your job because you (or an immediate family member) became ill or disabled. To qualify, you must take reasonable steps to notify your employer promptly of the need for time off, a change in hours or a shift change, **and** your employer must advise you that your request cannot be accommodated.
- **Good cause related to your job.** You quit your job for a good work-related reason. For example, you were allergic to materials that you were working with and your employer could not reduce your exposure to that material; or, you were being sexually harassed on the job and you told your employer, but the harassment continued. Unfortunately, loss of transportation or child care are **not** considered good cause related to employment, unless your employer agreed to provide you with child care or transportation and then failed to do so.
- **You moved to be with your spouse.** You left your job to move to a new location with your spouse. You must wait until you arrive at your new residence before filing for unemployment benefits and you must be able, available and actively seeking suitable work.
- **Domestic violence.** You quit to protect yourself from a violent spouse or partner and you did everything you could, within reason, to keep your job.
- **A new job fell through.** You quit to take a new job and that job fell through because of the new employer.
- **Not “regular” employment.** You quit a job that was not your “regular” employment. For example, you were laid off from your long-term job as a welder and took a temporary job as a dishwasher, which you quit after a few weeks. Since the dishwasher job was not your “regular” employment, quitting should not disqualify you from UI. However, be aware that the

longer you stay in a temporary job, the more likely it is to be considered your “regular” employment.

- **You volunteered to be laid off in a workforce reduction planned by your employer.** If your employer gave employees written notice of a plan to reduce the number of workers and you volunteered to be laid off, you cannot be disqualified from UI as long as your employer accepted your offer.

### **“I can’t get UI because I was fired from my job.”**

Just because you were fired does not mean that you are ineligible for UI. You can only be disqualified from UI if you were fired for “misconduct.” Misconduct means that you did something wrong that was within your control and it caused serious harm to your employer. It is up to your employer to prove that you committed misconduct.

Misconduct could include repeated tardiness, violating a reasonable work rule, dishonesty that is harmful to your employer, use of illegal substances on the job, theft, endangering someone’s safety, or destroying property.

But, you are not guilty of misconduct if:

- You did the best job you could, even if it wasn’t good enough for your employer.
- You made an isolated mistake or error in judgment.
- You were absent from work because you, or an immediate family member, were ill and you made reasonable efforts to notify your employer.
- You failed to follow a rule or an order, but your action was reasonable under the circumstances. For example, you were told to use equipment that was not safe and, even though you asked your employer to replace the equipment, your employer refused.

### **“My hours were cut from full-time to part-time, but I was not fired.”**

You may qualify for UI if your employer cuts your hours below 35 hours per week. You will be considered partially unemployed if you are working less than 35 hours a week, or less than what is usually considered fulltime for your job, and do not earn \$5.00 or more above your weekly benefit amount.

### **“I’m enrolled in a training program. I’m not looking for work so I can’t get UI.”**

Maine law allows you to collect unemployment benefits while you are in an “approved” training program. You do not have to look for work while you are in training. You may even be eligible for up to 26 additional weeks of unemployment benefits if you are a “dislocated worker” in training (see section on Dislocated Worker Benefits below).

## To find out what kind of training can be approved, call:



Unemployment Compensation Claims Center  
Voice: 1 (800) 593-7660

Your local CareerCenter  
Voice: 1 (888) 457-8883  
TTY: 1 (800) 794-1110

### **“I can’t get unemployment benefits because I’m not able to do the kind of work I’ve always done.”**

In order to qualify for UI, you do have to be “able” to work. But, this does not mean you have to be able to do the same kind of work you have done in the past. You can meet this requirement if you have the experience or training to work in another trade, occupation or profession. For example, if Jane can no longer work as a certified nurse’s aide because of a back injury, but she has worked in the past or is qualified to work as a cashier or a teaching assistant, she will be considered “able” to work.

### **“I can’t get UI because I’m a part-time worker.”**

Maine law changed in 2004 so that unemployed workers who are only looking for part-time work may qualify for UI. Before 2004, you could only qualify if you were looking for full-time work. If you are a part-time worker, you may now qualify for UI if:

- You worked part-time for a majority of the weeks in your “base period” and are looking for work for approximately that same number of hours now (your “base period” is usually the first 4 of the last 5 **completed** calendar quarters before you began receiving UI benefits; **OR**
- You worked full-time for the majority of the weeks in your base period but are now limited to part-time work because of your illness or disability or that of an immediate family member, or to protect your safety or that of an immediate family member.

### **Help with retraining: Dislocated Worker Benefits (DWB)**

You may be eligible for up to 26 additional weeks of unemployment benefits if you are a “dislocated worker” and are in an “approved” training. Even people who have run out of their regular unemployment benefits can reopen their claims and get these additional 26 weeks of Dislocated Worker Benefits (DWB). You must first use up all of your regular unemployment benefits before receiving DWB.

### **What is a “dislocated worker?”**

You are a dislocated worker if:

- You were laid off, or received a lay-off notice and you are unlikely to return to work in that same industry or occupation; **OR**
- You lost your job due to a permanent plant closing; **OR**
- You are “long-term unemployed” and are unlikely to find work in your previous occupation or a similar one in your area, or substantial barriers to employment exist because of your age.

### **What kind of training can be “approved”?**

Approved training includes any training arranged by your CareerCenter and provided under the Workforce Investment Act. The Unemployment Compensation Commission can also approve other types of training. To find out if the training you want can be approved, call the Unemployment Compensation (UC) Claims Center at 1(800) 593-7660. You can also get more information about approved training from your local CareerCenter. Call 1 (888) 457-8883; TTY 1 (800) 794-1110 for your local CareerCenter.

### **It’s been a while since I ran out of my regular unemployment benefits. Can I still get Dislocated Worker Benefits (DWB)?**

You may still be eligible for Dislocated Worker Benefits (DWB) if you enroll in an approved training program within 30 months of the end of your most recent UI benefit year. For example, if your benefit year ended on January 31, 2006, you may still be eligible for DWB if you enroll in an approved training program before July 31, 2009. If you don’t know when your benefit year ended, call the Unemployment Compensation Claims Center at 1 (800) 593-7660.

### **How do I apply for Dislocated Worker Benefits (DWB)? How do I find out more about DWB?**

If you want more information, or if you want to apply for Dislocated Worker Benefits (DWB), call the Unemployment Compensation Claims Center at 1 (800) 593-7660. You can also get more information about approved training from your local CareerCenter. Call 1 (888) 457-8883; TTY 1 (800) 794-1110 for your local CareerCenter.

## II. Getting Ahead—Education and Training

### 2:1. Education and job training: What are my options?



#### Tip 5.

Many people think that education, particularly higher education, is not an option because it is unaffordable. But, there are several sources of help available, including help with supports like transportation and child care.

**To learn more about what help is available for education and job training, call:**



**Adult Learning Opportunities Hotline**

Voice: 1 (800) 322-5455

**Maine Educational Opportunity Center (MEOC)**

Voice: 1 (800) 281-3703

Education or training can be the key to higher paying, more satisfying work. But going back to school as an adult can seem overwhelming. You're probably worried about how you will pay for it and how you will squeeze it into your busy life. Juggling school with the rest of your life can be challenging, but you don't have to do it on your own.

Whether your goal is to improve your reading skills, get a high school degree, or enroll in a training program, a community college, the university system, or a private college, help is available.

### **Where to get help, if...**

#### **I want to improve my reading skills**

Do you, or someone you know, have trouble reading? Is English not your first language? Would you like to improve your English skills? **Literacy Volunteers of Maine** can help.

#### **Find a program near you:**



Contact one of the 14 listed local Literacy Volunteers offices

Online: <http://www.lvmaine.org>, or

Call the Adult Learning Opportunities Hotline

Voice: 1 (800) 322-5455.

There is more Adult Education Program contact information in the next section on high school diplomas.

## **I want to get a high school diploma**

If you didn't finish high school and you want to get an Adult High School Diploma or General Equivalency Diploma (GED), contact the Adult Education Program in your local school district. The staff there can help you figure out what courses and tests you will need to take. The courses and tests will be free.

To find an Adult Education Program close to you, call your school district or check online at <http://www.maineadulted.org/members.html>. To find the GED testing center in your area, check [http://www.acenet.edu/resources/GED/center\\_locator.cfm](http://www.acenet.edu/resources/GED/center_locator.cfm). Be sure to call the local center to confirm the date and hour the test will be given.

### **If you don't know how to contact the local program, call:**



**Adult Learning Opportunities Hotline**  
Voice (toll-free): 1 (800) 322-5455

**Adult Education Division of the Maine Department of Education**  
Voice: (207) 624-6750.

## **I want to go to college**

- **The Maine Educational Opportunity Center (MEOC)** helps people choose a college and put together a financial aid package. MEOC has centers all over the state. The staff at MEOC can:
  - Help you develop an educational plan that will work for you in one of their college planning workshops;
  - Provide information about college options, including the University of Maine System, private colleges, the Maine Community College System, and University College;
  - Work with you to help you figure out how to get help to pay your school related expenses; and
  - Guide you through the application process and work with you while you are in school.

### **To contact the Maine Educational Opportunity Center (MEOC):**

Call (toll-free) 1 (800) 281-3703 (office hours: 9:00 to 4:30, Monday through Friday). They will set up an appointment for you to meet with a MEOC staff member at a location in your area (often at the local CareerCenter).

Find out more about MEOC and learn about financial aid options on their website: <http://meoc.maine.edu/>.

- **Parents as Scholars (PaS)** is a student aid program that helps low-income parents attend 2- or 4-year college programs. Parents who are eligible for Temporary Assistance to Needy Families (TANF, see page 48) may also be eligible for PaS. PaS is run by the Department of Health and Human Services (DHHS) through the ASPIRE Program.

The kinds of assistance available from PaS include monthly cash assistance to help with living expenses; supportive services, such as child care, transportation reimbursement, car repairs, auto liability insurance, eye care, dental care, books, and supplies; clothing and uniforms; and, when financial aid is not available, assistance with tuition and fees. There are special rules for families dealing with disabilities or domestic violence issues to help them to succeed in the PaS program.

You can apply for the PaS program at your local DHHS office. They need to tell you in writing if you are accepted in the PaS program. If they say you can't be in the program, you can appeal that decision. Information on how to appeal should be on the back of the notice.

For more information, you can call Maine Equal Justice at 1 (866) 626-7059. Maine Equal Justice has an informational booklet about the PaS program. You can find a copy of this booklet online at <http://www.mejp.org/pas/index.html> or you can call to request a copy.

## **Other college options and financial aid opportunities**

### **College options**

- **The University of Maine System** has 7 universities and 11 regional outreach centers (the University College centers). Visit their website at <http://www.maine.edu/> to find detailed information about each of the 7 campuses, including contact information, classes and degrees available, tuition expenses, financial aid, and information about the application process and timeline.
- **University College**, part of the University of Maine System, is for people who aren't able to take courses at one of the University of Maine campuses. University College offers university courses and programs at 11 University College Centers in more than 75 community locations (often high schools) around the state, as well as online. Personalized support services are offered to both new and advanced students, including assistance with admission and financial aid, placement tests, course registration, book orders, the online library catalog, computer conferencing, and setting up e-mail accounts.



#### **Contact Maine Community College**

Voice: (toll-free): 1 (800) 868-7000, or

Online: <http://www.learn.maine.edu/index.php>

- **Maine Community College System (MCCS)** has seven colleges and seven off-campus centers around the state. More than 300 courses are offered in 1- and 2-year programs to start a career, or for transfer to a 4-year baccalaureate program. Many courses are available online.



Contact the Maine Community College System's admissions office at the college nearest you:

Voice: (207) 629-4000

Online: <http://www.mccs.me.edu/>

### **Financial aid options**

Federal Student Aid Programs can provide assistance in the form of grants (Pell Grants and Federal Supplemental Educational Opportunity Grants, loans (Federal Perkins Loan, Federal Stafford Loans, and Direct Loans), and College Work Study. You can learn more about these programs at your local Adult Education Program, through MEOC, or at the admissions office at your local Maine Community College or University College Center or from one of the resources listed below:

- Maine Education Services (MES): <http://www.mesfoundation.com>
- Finance Authority of Maine (FAME): <http://www.famemaine.com>
- FinAid (financial aid information, advice, and tools): <http://www.finaid.org>
- Sallie Mae (student loan provider): <http://www.Salliemae.com>
- FastWeb (scholarship search service): <http://www.fastweb.com>

Call or visit a guidance counselor from your local high school for a list of local scholarships. Adult students may qualify for some of these scholarships.

### **I have a disability. Can Vocational Rehabilitation help me get training?**

If you have a disability that keeps you from getting or keeping a job, the Division of Vocational Rehabilitation (DVR) in the Maine Department of Labor may be able to help. If you are found eligible for DVR services, you will be assigned a DVR Counselor who will help you prepare for, find, and keep a job. The services you get will depend on your needs and may include:

- Help identifying career opportunities based on your interests and skills and development of an Individualized Plan of Employment;
- Help identifying the job training you will need to achieve your job goal and, in some cases, developing a special training program to meet your needs;
- Help with training and education costs (like tuition, room and board, books, child care, transportation, and/or special equipment related to your disability);

- Help looking for work;
- A job coach to provide support while you learn skills on the job.

**To apply, call the DVR office nearest you. For local DVR contact information:**



**Maine Department of Labor**

Voice: (207) 624-6400

TTY: 1 (800) 794-1110

Online: <http://www.maine.gov/rehab/offices.shtml>

### **What education and training assistance can I get at the Maine Department of Labor CareerCenters?**

Maine's CareerCenters are also called One-Stop Centers because they administer multiple programs to help people find work and to obtain education and training to upgrade their skills. Each CareerCenter operates a little differently, but generally you will always find job search resources and a computerized job-matching system.

If you are interested in training or an apprenticeship, ask to meet with an employment counselor. The CareerCenter may also put you in contact with on-the-job training or apprenticeships. If you are a veteran, you can also talk with a local veteran's employment representative about the employment services available to you.

You can talk to an employment counselor about whether you are eligible for assistance through the Workforce Investment Act (WIA); the Competitive Skills Scholarship Program (CSSP); or the federal Trade Adjustment Act (TAA) program.

- **The Workforce Investment Act** provides a variety of services, including job search resources, employment counseling, and education and training for low income people and dislocated workers. The Workforce Investment Act provides funds to help with things like tuition, day care, travel costs, books and supplies, and fees.
- **The Competitive Skills Scholarship Program (CSSP)** offers access to post-secondary degree or certificate programs for high wage jobs in industries that need skilled workers. A person is eligible for the Competitive Skills Scholarship if he or she:
  - ✓ Is at least 18 years old;
  - ✓ Does **not** have a marketable college degree;
  - ✓ Has income that is **less** than 200% of the federal poverty level (\$1,734/month for a single individual; \$2,934 for a family of 3);
  - ✓ Wants to enroll in education or training for jobs that are in high demand and pay family-sustaining wages; AND
  - ✓ Has the ability to successfully complete the education or training program that they chose.

This program will help participants pay for educational costs and support services like child care, transportation, books and supplies not available from any other source. It also helps some very low-income participants with basic income support while in training. Demand is high for this new program and space is very limited. Check with your local CareerCenter to see if space in this program is available.

- **The federal Trade Adjustment Assistance (TAA) Program** provides training for workers who have lost their job or whose hours were reduced because of foreign imports. Eligible workers may receive up to 104 weeks of training in an approved occupational skills program, including a post-secondary educational program, basic or remedial education, or training in literacy or English as a second language.

If you are eligible for the TAA Program, you can also qualify for:

- Additional weeks of unemployment compensation;
- A job search allowance to look for work outside your normal commuting area; and
- A relocation allowance to help you move to a new area where you have found a new job.

### **For more information:**



**Maine Department of Labor CareerCenter**  
Online: <http://www.mainecareercenter.com>

### **Do you want to start your own business?**

Here are some education and training resources for people interested in starting their own business:



**The Maine Enterprise Options (MEO) program at your local Maine Department of Labor CareerCenter**  
Voice (CareerCenter Helpline): 1 (888) 982-4311  
Online: <http://www.maine.gov/labor/unemployment/specialprograms.html>

**Coastal Enterprise, Inc. (CEI)**  
Voice: 1 (877) 340-2649  
Online: <http://www.ceimaine.org>

**Maine Centers for Women, Work and Community**  
Voice: 1 (800) 442-2092  
Online: <http://www.womenworkandcommunity.org>

**Maine Small Business Development Centers (SBDC)**  
Voice: 1 (800) 679-7232  
Online: <http://www.mainesbdc.org>

**Department of Economic and Community Development (DECD)**

Voice: 1 (800) 872-3838

Online: <http://www.econdevmaine.com>

**Contact your local University of Maine Cooperative Extension  
(central administration), Small and Home-Based Business  
Education Program**

Voice: 1 (800) 287-0271

TDD: 1 (800) 287-8957

Online: <http://www.umext.maine.edu>

**Service Corps of Retired Executives (SCORE)**

Voice: (207) 780-4420

Online: <http://www.scoremaine.org/>

## III. Getting by—Help for Workers and their Families

### 3:1. Where can I find quality, affordable child care?



#### Tip 6.

The Child Care Resource Development Center (RDC) in your area can help you find childcare that will work for you. The RDC can give you information about:

- Local child care options
- Programs that may help you with the cost of child care, including the Department of Health and Human Services (DHHS) Child Care Voucher Program and Head Start
- State and federal tax credits for your child care expenses

**There are eight regional Resource Development Centers (RDCs) around the state.**

To get the address and phone number for the RDC in your area call 1 (877) 680-5866 or visit <http://www.maine.gov/dhhs/ocfs/ec/occhs/devcenters.htm>. Your local RDC can give you a list of child care providers in your area.

### **The DHHS Child Care Voucher Program**

#### **Can the Child Care Voucher Program help me with my child care costs?**

The Child Care Voucher Program helps make child care affordable for many Maine families. To be eligible for the program, you have to be working, in training, or in school.

To qualify when you apply for the program, your income has to be at or below the amount on the following chart:

**Table 1. Child Care Voucher Program Guidelines at Enrollment**

<b>Family size</b>	<b>Maximum gross <u>weekly</u> income</b>
1	\$476
2	\$623
3	\$769
4	\$916
5	\$1,062
6	\$1,209
Table shows 75% of the state median income. Current from October 1, 2008 through September 30, 2009.	

If you are already enrolled in the Voucher Program and your income goes up, you will still be eligible to stay in the program if your income is at or below the amount on the chart below:

**Table 2. Voucher Program Guidelines to Continue Enrollment**

<b>Family size</b>	<b>Maximum gross <u>weekly</u> income</b>
1	\$540
2	\$706
3	\$872
4	\$1,038
5	\$1,204
6	\$1,370
Table shows 85% of the state median income. Current from October 1, 2008 through September 30, 2009.	

**How much will I need to pay if I'm enrolled in the voucher program?**

Although the voucher will cover most of the cost of your child care, you will have to pay a fee based on your income and family size. The fee you pay cannot be more than 10% of your total gross income, no matter how many of your children are in childcare.

**How do I apply for the Child Care Voucher Program?**

Call the Child Care Development Fund Voucher Management Program (CCDF Voucher Management Program) at 1 (877) 680-5866. Ask them for an application or download one from the DHHS Office of Child and Family Services web site at <http://www.maine.gov/dhhs/ocfs/ec/occhs/step.htm> under the section "How do I apply

for a voucher?" The CCDF Voucher Management Program will let you know if you qualify for the program and if there are any child care funds available for a voucher at this time.

**Even if you are financially eligible, you may not get a child care voucher for you child right away.** There may be a waiting list and sometimes the list is long. The CCDF Voucher Management Program can tell you where you are on the waiting list and may be able to give you an idea of how long it will be before funds are available for a voucher.

You may not need to wait as long if:

- Your child has a diagnosed special need;
- You are a teen parent;
- You are in transitional housing as a result of domestic violence;
- You are in a licensed substance abuse program; or
- Your family is involved with child protective services.

Be sure to tell the CCDF Voucher Management Program if you are in one of these categories.

The CCDF Voucher Management Program will ask you to provide updated income information every 6 months, both while you are on the waiting list and after you start getting help with your child care costs. You must give them this information so that you remain eligible.

### **Do all child care providers take the vouchers?**

No, some providers don't. If you have a child care provider now or if you are looking for a child care provider, ask if they will take a Department of Health and Human Services (DHHS) child care subsidy voucher.

### **Are there other ways for me to get help with my child care expenses?**

Yes. Here are some other ways you may be able to get some help:

- Apply directly to a child care center or family child care program (that has a contract with the state) for a slot in their facility. You can get a list of these agencies from the CCDF Voucher Management Program or online at **<http://www.maine.gov/dhhs/ocfs/ec/occhs/contract.htm>**
- Talk to the CCDF Voucher Management Program about other local options for services or programs, including Head Start (see page 38).
- See if you are eligible for state or federal tax credit help (see page 60).
- If you are leaving TANF, you may be eligible for Transitional Child Care (see page 38).

## **The Head Start Program**

Head Start provides early childhood development services for children ages 3 to 5 and Early Head Start provides these services to children ages 0 to 3. Families with gross monthly income at or below the amount in Table 3 below are eligible. Head Start Programs accept a limited number of children with higher family income. Check with your local Head Start Program to see if your child is eligible.

**Table 3. Head Start Income Guidelines**

<b>Family size</b>	<b>Total Gross Monthly Income</b>
2	\$1,215
3	\$1,526
4	\$1,838
5	\$2,150
6	\$2,461

Table shows 100% of FPL for 2009. These numbers increase each year, usually around February.

Head Start services include education, health, nutrition, and social skills. Although Head Start is only a part-time program that takes place during the school year, most Head Starts now offer “wrap-around services” that combine Head Start services with child care services to offer full-day, full-year programs to families. A related program, Home Start, provides Head Start services in centers, in family child care homes, or through a home visiting model. To find out if your child might be eligible for Head Start, contact your local Child Care Resource Development Center (RDC).

### **For more information about Head Start:**



Visit the DHHS Office of Child and Family Services website at:  
Online: <http://www.maine.gov/dhhs/ocfs/ec/occhs/headstart.htm>.

## **Transitional Child Care (TCC) for people who have recently left TANF**

If you received TANF and your TANF has ended within the last 12 months, you will be eligible for Transitional Child Care (TCC) if:

- You have a child age 12 or younger (or older, if the child needs child care because of a physical or mental health problem); **and**
- You lost your TANF benefits because of increased earnings or you voluntarily left TANF and are working; **and**
- In a two parent household, you and your spouse both work (there are some limited exceptions to this requirement); **and**
- Your family income is under the amount in Table 4 below.

**Table 4. Transitional Child Care Income Guidelines**

<b>Family size</b>	<b>Maximum gross <u>weekly</u> income</b>
1	\$540
2	\$706
3	\$872
4	\$1,038
5	\$1,204
6	\$1,370

Table shows 85% of the state median income. Current from October 1, 2008 through September 30, 2009.

If your DHHS worker didn't enroll you in Transitional Child Care when you left TANF, you can sign up anytime **within 12 months** of leaving TANF. Contact a DHHS Eligibility Specialist at your local DHHS office to apply.

You will be given a voucher that will cover most of your child care cost, but you will have to pay a fee based on your income and family size. The fee you pay will not be more than 10% of your total gross income, no matter how many of your children are in child care.

If you are eligible for Transitional Child Care you should receive a voucher for child care subsidy. TCC does not have a waiting list.

**Important Note:** TCC is only for people who leave TANF because of their work. If you leave TANF on your own, be sure to tell your TANF worker that you have a job, so your worker will know you should get TCC benefits.

## 3:2 What are my health care options?



### Tip 7.

Many people don't realize that they are eligible for one or more of the health care programs and sliding scale services described in this section.

Call the Consumers for Affordable Health Care toll-free helpline at 1 (800) 965-7476 if you would like more information on ways to make health care more affordable for you and your family.

Getting health insurance can be a huge challenge, especially if you have been laid off or your employer doesn't offer an insurance plan. MaineCare or one of several other resources described in this section may be of help.

### **MaineCare**

MaineCare (which used to be called Medicaid) provides complete health insurance for low-income adults and children. Whether or not you are eligible for MaineCare depends on your income, the makeup of your family, and, sometimes, if you have assets. You can work and still be eligible for MaineCare.

The information below gives a snapshot of who is eligible. Even if you think you might not be eligible, you should still apply. Not all of your income may count toward the income eligibility guidelines. Even if you are not eligible for MaineCare, DHHS will check to see if you are eligible for other benefits.

- **The following groups of people are eligible if their income is less than the amount in Table 1 below:**
  - Children age 18 and younger;
  - Parents and most other relatives caring for a child age 17 or younger (or age 18 if the child will graduate from high school before their 19<sup>th</sup> birthday); and
  - Pregnant women

There is an asset limit that affects the eligibility of parents, but many assets don't count (such as your house, up to two cars, and some savings). There are no asset limits for children age 18 and younger and pregnant women. Families must pay premiums for children if the household income is over the amount in Table 2. Premiums vary from \$8 to \$64 per month total, depending on your income and how many children you have.

**Table 1: MaineCare Income Guidelines for Children ages 0-18 \* and Their Parents\*\***

<b>Family size</b>	<b>Total gross monthly income</b>
1	\$1,805
2	\$2,429
3	\$3,052
4	\$3,675
5	\$4,299
6	\$4,922
Table shows 200% FPL for 2009. These numbers increase each year, usually around February.	

\*Children who are disabled may be eligible under the Katie Beckett option, even if their income is higher than in Table 1. For more information on coverage for children with disabilities, contact your local DHHS office.

\*\*If you are a parent who is disabled and working, you may still be eligible for MaineCare even if your income is higher than in Table 2. For more information contact your local DHHS office or Legal Services for the Elderly at 1 (800) 750-5353.

**Important!** Even if your gross income is slightly higher than the amount in Table 1, you and your children may be eligible for MaineCare because of deductions. Deductions from your monthly income may include the first \$90 of earned income, child care expenses up to \$200/month for children age 2 or under and \$175 for children over age 2, child support payments paid to someone outside the household, and up to \$50 for child support received by someone inside the household. When in doubt, apply.

The income limit for **19 and 20 year olds** is different. Their income has to be equal to or less than the amounts shown in the table below. If your gross income is slightly higher than the amounts shown in this table, you may still be eligible for MaineCare because of deductions. When in doubt, apply.

There are asset limits for 19- and 20-year-olds, but many assets don't count.

**Table 2: MaineCare Income Guidelines for 19- and 20-year-olds**

<b>Family size</b>	<b>Total gross monthly income</b>
1	\$1,354
2	\$1,822
3	\$2,289
4	\$2,757
5	\$3,224
6	\$3,692

Table shows 150% FPL for 2009. These numbers increase each year, usually around February.

- If you are **disabled or 65 years old** or older, you may be eligible for MaineCare if your income is less than or equal to the amounts shown in Table 3 below, after deductions.
- People who don't fit any of these categories (adults between the ages of 21 and 64 who are not disabled and don't have minor children living in their home) are eligible for MaineCare as "**non-categorical participants**". To qualify in this group, your gross income must be below the amount in Table 3 below. There is a limit on the number of people who can enroll in MaineCare as a non-categorical member. If you are turned down because of this limit, be sure that your worker puts you on the waiting list. Covered services for non-categorical participants are limited, but still include coverage for many of the most important services.

There is also an asset limit for seniors, people with disabilities and non-categorical participants, but many assets (like your home, car and some savings) don't count.

**Table 3: MaineCare Income Guidelines for Adults with Disabilities, \*Seniors age 65 and Older, and "Non-Categorical" participants**

<b>Family size</b>	<b>Total gross monthly income**</b>
1	\$903
2	\$1,215
3	\$1,526
4	\$1,838
5	\$2,150
6	\$2,461

Table shows 100% FPL for 2009. These numbers increase each year, usually around February.

\*If you are disabled and working, you may still be eligible for MaineCare even if your income is higher than in Table 3. Contact your local DHHS office or Legal Services for the Elderly (toll-free) at 1 (800) 750-5353 and ask about the MaineCare Option for Workers with Disabilities.

\*\*If you are disabled or a senior 65 or older, you may be eligible for MaineCare even if your gross income is higher because of certain allowable deductions. There are no deductions for non-categoricals.

You may also be eligible for MaineCare if you:

- Have very high medical expenses (often because of a hospital stay) and your income is over the amount allowed in your 'category'
- Have breast or cervical cancer (for more information call 1 (800) 350-5180)
- Are HIV-positive (with or without a diagnosis of AIDS)

For more detailed information on who is covered by MaineCare, visit the MEJP website at <http://www.mejp.org/medicalprograms.htm>. To apply for MaineCare, contact your local DHHS office (for a list of local DHHS offices, see **Appendix A**).

### **What happens to my MaineCare if my income goes up?**

You and your family will continue to be eligible unless your income is over the monthly income guidelines for your family unit (Table 1, 2 or 3 above, depending on your age, medical condition, and who is in your family).

If you have minor children (age 18 and younger), you and your children may be eligible for **Transitional MaineCare** for up to 6 more months, even if your income is higher than the amount in Table 1. And your children, age 18 and younger, will continue to get MaineCare until the end of their 12-month certification period, no matter how much money you make.

If your children (age 18 and younger) are no longer eligible for MaineCare because your income has gone up, you can choose to pay to continue coverage for the children up to 18 more months under the MaineCare "Full Cost Purchase Option". The premium for the Full Cost Purchase Option is \$100 per month per child. You can choose to get coverage for all of your children or for only one or more of your children.

## **Prescription drugs**

There are several programs that may help you with the cost of prescription drugs.

### **Maine Rx Plus**

Maine Rx Plus gives many people in Maine a discount on the cost of their prescription drugs. You are eligible for Maine Rx Plus if your family's total income is equal to or less than the amount in Table 4 below:

**TABLE 4. Eligibility Guidelines for Maine Rx Plus**

<b>Family size</b>	<b>Total gross monthly income</b>
1	\$3,159
2	\$4,250
3	\$5,341
4	\$6,432
5	\$7,523
6	\$8,613

Table shows 350% FPL for 2009. These numbers increase each year, usually around February.

Even if your income is higher, you are eligible if:

- You spend more than 5% of your gross income on prescriptions; or
- You spend 15% of your total gross income on medical costs

Maine Rx Plus has no asset test. You don't need to be a certain age or have children to be eligible.

The program provides a discount of 15% to 20% on the price of some brand name drugs and a discount of about 60% on generic drugs.

To enroll, call 1 (866) 796-2463.

### **Low Cost Drugs for the Elderly and Disabled (DEL)**

The Low Cost Drugs for the Elderly and Disabled (DEL) program helps adults who are disabled or elderly. To qualify you must be age 62 or older, or age 19 or older and disabled. In 2009 your monthly income must be below \$1,670 if you are single; \$2,247 if you are married. DEL has no asset test.

The income limit for DEL is 185% of the Federal Poverty Level (FPL). These numbers increase each year, usually around February.

The program covers 80% of the cost of most generic drugs and 80% of the cost of brand name drugs for 13 specific medical conditions. If you pay more than \$1,000 out of pocket for prescription drugs in a year, DEL will cover 80% of the cost of additional drugs you need that year.

To apply for the DEL program, contact your local DHHS office.

### **Patient Assistance Programs (PAP)**

Many drug companies have their own programs that provide drugs at little or no cost to people who cannot afford to buy their drugs. Each company sets up its own rules for who is eligible. They usually won't let people in their program if they:

- Have insurance that covers prescription drugs; and
- Are enrolled in MaineCare (or, sometimes, enrolled in the Low Cost Drugs for the Elderly and Disabled program or Medicare Part D).

Most Patient Assistance Programs (PAPs) don't cover generic drugs.

To find out more about PAPs, talk to your doctor or visit these websites:

- RxAssist Patient Assistance Program Center: <http://www.rxassist.org>
- NeedyMeds: <http://www.needymeds.com>
- RxHope: <http://www.rxhope.com>

## **Other help with health care coverage or costs**

### **Uncompensated Care (Free Care) in Hospitals**

Every hospital in Maine has a free care program. All hospitals in Maine must provide free care to people with income under the federal poverty level (FPL), but most provide help for people with higher incomes as well (see **Appendix B** for current federal poverty level guidelines). If you have hospital expenses and no insurance, check with the billing office at the hospital to see if you qualify for free care.

### **Community Health Centers**

Community health centers provide a wide variety of health care services on a sliding scale based on your income. Centers are located around the state. To find the community health center closest to you, go to the Maine Primary Care Association website at <http://www.mepca.org/> and click on "locations" at the bottom of the page or call them at (207) 621-0677.

### **COBRA**

If you left your job and worked for an employer with 20 or more workers, you may be able to keep your health care coverage. For more information on COBRA, see page 19.

## Local and Regional Health Care Programs

Several other programs and services are available in local areas or regions of the state. For example, CarePartners provides health care services such as doctor's visits, prescription drugs, and hospital services to low-income people who live in Lincoln County, Kennebec County, and the greater Portland area. They charge very small copayments. There are income limits on this program. To see if you qualify or to learn more, go to their website at [http://www.mainehealth.org/mh\\_body.cfm?id=3441](http://www.mainehealth.org/mh_body.cfm?id=3441) or call CarePartners (toll-free) at 1 (877) 883-1797.



To learn more about regional programs, free clinics, dental clinics, or other questions call the Consumers for Affordable Health Care Helpline at:

Voice: (toll-free) 1 (800) 965-7476

For a list of health care resources, visit their website:

<http://www.maineahc.org/healthcare/otherprogramsmaine.htm>.

## **If I enroll in a new health insurance plan, will my new plan cover medical conditions I have or have had (pre-existing conditions)?**

Often, the first thing you want to know about a health insurance plan is whether it will cover a "pre-existing condition"—either an ongoing medical condition you have (like diabetes, asthma, or depression) or one for which you have received medical advice or treatment within the last 6 months. Here are some general guidelines on what an insurance plan must cover.

If you are enrolling in a new health insurance plan, your coverage should include your pre-existing condition, if:

- The condition was covered by your last health insurance plan; **and**
- You were covered for at least the past 18 months by your last health insurance plan (this could be MaineCare or Medicare), **and** you had that coverage within:
  - 63 days, if you are enrolling in a self-insured group health plan, or
  - 90 days, if you are enrolling in a fully insured group health plan, or
  - 180 days, if you lost your last coverage because you were unemployed and you got unemployment benefits; **and**
- The condition is covered by your new plan.

Otherwise, your new plan may exclude coverage for a pre-existing condition for up to 12 months.

If you are trying to decide if you should enroll in a health insurance plan or if you have questions about a denial of coverage because of a pre-existing condition you can call the Consumers for Affordable Health Care Helpline at 1 (800) 965-7476.

You can read this Maine law at: 24-A MRSA Section 2849, which is available on the Internet: <http://janus.state.me.us/legis/statutes/24-a/title24-asec2849.html>, and 24-A MRSA Section 2850: <http://janus.state.me.us/legis/statutes/24-a/title24-asec2850.html>.

### **How long can a child stay on their parent's health insurance plan?**

Children up to age 25 (or disabled children of any age) may get health insurance coverage under their parent's health insurance. To get this coverage, the child must be:

1. Under age 25 or disabled (a disabled child must be "dependent" on their parent); **and**
2. Unmarried; **and**
3. Have no dependent children of their own; **and**
4. A resident of Maine or enrolled full time in college.

The insurance company must offer this coverage. The insurance company may charge for this coverage. An employer can refuse to pay for this coverage.

You can read this Maine law at: 24-A MRSA §2742-B, which is available on the Internet at: <http://janus.state.me.us/legis/statutes/24-a/title24-Asec2742-B.html>

### 3.3. Other important programs for low wage workers



#### Tip 8.

People often think that because they work they aren't eligible for state and local programs to help them get by. All of the programs listed below are open to people who work. Your eligibility depends on how much income your family has, how many people are in your household, and, sometimes, how many assets you have. The guidelines are different for each program.

#### **Food Stamps**

Your household may be eligible for Food Stamps even if you are working. You can check to see if you are eligible by using the "food stamp estimator" at <http://www.ptla.org/estimator.htm>. If you have minor children at home you do not have to meet an asset test. For others, your assets must be limited to qualify. Many types of assets, like your car and your home, do not count.

Apply for Food Stamps at your local Department of Health and Human Services (DHHS) office.

#### **For more information about Food Stamps:**



Visit the Maine Equal Justice Partners website:

Online: <http://www.mejp.org/foodstampoverview.htm>

#### **Temporary Assistance for Needy Families (TANF)**

Very low-income families with children may be eligible for this benefit. Even if you are working, you may be eligible for TANF if your wages are very low or your work hours are limited. To qualify, your children must lack the support of one parent because:

- One parent is not in the household; or
- Two parent families qualify if:
  - ⇒ One parent is "incapacitated"; or
  - ⇒ The parent who earned the most money in the last 24 months is unemployed or underemployed.

(There are rules to determine if a parent will be considered unemployed or incapacitated).

Most adults who receive TANF must participate in ASPIRE, which is a work/job-training program. An eligible parent who wants to attend college or other post-secondary

school can get the same benefits, plus support services, through the Parents as Scholars (PaS) program (for more information on Parents as Scholars, see page 30).

You can apply for TANF at your local Department of Health and Human Services (DHHS) office (see **Appendix A** for a list of local DHHS offices).

### **For more information about TANF and ASPIRE:**



Visit the Maine Equal Justice Partners website:  
Online: <http://www.mejp.org/aspire-tanf.htm>

### **General Assistance (GA)**

General Assistance is a program of last resort for very low-income households when work or other benefit programs cannot meet their basic needs. Towns and cities run General Assistance (GA). Every municipality in Maine has a GA program. GA can help with basic necessities, such as rent, food, clothing, fuel, electric bills, or prescription drugs.

Apply for GA at your town office. For those living in unorganized townships, apply to the Department of Health and Human Services (DHHS) (toll-free) at 1 (800) 442-6003; TTY (207) 287-6948.

If you have trouble applying for GA in your city or town, call DHHS (toll-free) at 1 (800) 442-6003 and ask for help getting GA. Be aware that if your application for GA is denied, you have only 5 days to appeal. For help with appeals, contact Pine Tree Legal Assistance. See **Appendix C** for a list of Pine Tree Legal Offices.

### **For more information about GA:**



Visit or call your local Pine Tree Legal Assistance office, or their website:  
Online: <http://www.ptla.org/cliented/ga.htm>

### **Fuel assistance: the Low Income Home Energy Assistance Program (LIHEAP)**

Low-income households can qualify each heating season for help with their fuel bills through the Low Income Home Energy Assistance Program (LIHEAP). You can apply at your local Community Action Program (CAP).

### **For more information about LIHEAP:**



Visit the Maine State Housing Authority website:  
<http://www.mainehousing.org/ENERGYPrograms.aspx?oProgramCategory=4>

## **Workers' Compensation**

If you are hurt on the job or your job caused an illness, you should be able to get this benefit. Workers' Compensation can pay your medical bills and pay you a partial paycheck for the weeks you cannot work because of your illness or injury. You may also be eligible for vocational rehabilitation including job training or job placement services.

To get Workers' Compensation you must notify your employer as soon as you can after you get injured or become ill. Be sure that your employer files a "First Report of Injury" within 7 days. You must be given a copy of this report. Be sure to keep it. If your employer does not file a report, call your local Workers' Compensation Board and ask to speak to a "troubleshooter."

There should be a poster displayed in your workplace that gives more information about Workers' Compensation.

### **For more information:**



#### **Telephone numbers for the regional offices of the Workers' Compensation Commission:**

Augusta: (207) 287-2308, (toll-free) 1 (800) 400-6854, or TTY (207) 287-6119

Bangor: (207) 941-4550 or (toll-free) 1 (800) 400-6856

Caribou: (207) 498-6428 or (toll-free) 1 (800) 400-6855

Lewiston: (207) 753-7700 or (toll-free) 1 (800) 400-6857

Portland: (207) 822-0840 or (toll-free) 1 (800) 400-6858

Website: Online: <http://www.maine.gov/wcb/question.htm>

## **Back child support or spousal support**

Are you getting all of the child or spousal support you should be? If not, you can sign up with the Maine Department of Health and Human Services (DHHS), Division of Support Enforcement and Recovery, to help you collect the support that you should be getting.

This state agency helps you:

- Establish new support orders for children of unmarried parents;
- Update old orders for support; and
- Enforce existing support orders.

To apply for child or spousal support collection services call your local DHHS office.

Request an application for services by filling out the form on the DHHS website:  
<http://www.maine.gov/dhhs/OIAS/dser/feedback.html>

Read more about this program on the DHHS website:

<http://www.maine.gov/dhhs/OIAS/dser/support-services/division-services.html>

## **Housing subsidies**

Maine has a number of state and federally-funded rental housing programs. Most have long waiting lists. Some of the programs help people who have substance abuse or mental health issues.

To find out more about the low-cost rental housing in your area, contact:

Maine State Housing Authority (MSHA) 1 (800) 452-4668 (TTY: 1 (800) 452-4603)

### **For help with buying a home (low-rate mortgages for low-income buyers), contact:**



#### **Maine State Housing Authority (MSHA)**

Voice: (toll-free) 1 (800) 452-4668

TTY: 1 (800) 452-4603

Online: <http://www.mainehousing.org> / Click on “home buying”

#### **USDA Rural Development, Maine office**

Voice: (207) 990-9160

TTY: (207) 942-7331

Online: <http://www.rurdev.usda.gov/me/whatwedo.htm>

### 3.4. What programs can help in an emergency?

#### Tip 9.

Alternative Aid and Emergency Assistance are two important programs for low-income working families.

- Alternative Aid helps families with children who are not on TANF resolve emergencies that prevent them from getting or keeping a job.
- Emergency Assistance helps families in certain emergencies. Families must have a child to be eligible. TANF families may qualify for Emergency Assistance, but other low-income families may qualify too.

Home foreclosures are on the rise in Maine and around the nation. Pine Tree Legal Assistance has helpful information to help families facing foreclosure.

#### Alternative Aid

##### Who is eligible for Alternative Aid?

You are eligible for Alternative Aid if:

- You meet the asset and other non-income eligibility requirements for TANF (for example, you are a single parent or a two-parent family in which one parent is unemployed or disabled)
- You have a job or are looking for one
- You and your children are **not** on TANF, and
- Your income is at or below the amount on Table 1 below (For example, if there are 3 people in your family and your gross income is \$1,951 or less, you may be eligible for Alternative Aid).

**Table 1.**

<b>Family Size</b>	<b>Gross Monthly Income*</b>
2	\$1,615
3	\$2,030
4	\$2,444
5	\$2,859
6	\$3,273

Table shows 133% FPL for 2009. These numbers increase each year, usually around February.

\*If you get child support, deduct the first \$50 from your income before checking the amounts on Table 2.

If in doubt, the best way to find out if you are eligible is to apply.

### **How much help can I get from Alternative Aid?**

The amount of help you get depends on how many people are in your family. Table 2 shows the maximum limits on how much help you can get:

**Table 2.**

<b>Family Size</b>	<b>Alternative Aid up to:</b>
2	\$1,089
3	\$1,455
4	\$1,833
5	\$2,199
6	\$2,568
(Some families with very high housing cost may qualify for up to \$300 more).	

The amount you actually receive depends on how much other income you have and how much it will cost to resolve the emergency. Once you are found eligible the amount of help you can get is calculated without considering your earned income and the first \$50 you get in child support.

Alternative Aid doesn't come as a cash benefit. It comes in the form of vouchers for services or items that you need to get or keep your job, like car repairs, child care, or even help with housing related emergencies.

### **Here's an example of how Alternative Aid works:**

Susan needs Alternative Aid to replace the engine in her car so that she can get to work. She has two children. Susan gets child support of \$250 a month and wages of \$1,500 a month.

**First** let's see if she is eligible. The monthly eligibility limit for her family of three is \$2,030. The program will count only \$200 of her child support and the full \$1,500 of her wages. That's a total of only \$1,700, so she is eligible.

**Second**, let's see the maximum amount of help she could get. The maximum TANF benefit for her family of 3 would be \$485 a month. This means that the most Alternative Aid that she could get is \$1,455 (\$485 x 3 months = \$1,455).

**Next**, let's see what her benefit will actually be. To do this we deduct her "countable" income from the maximum amount of help she can get.

At this point, the program will ignore her wages entirely. It will also ignore \$50 of her child support. That leaves only \$200 a month in "countable income." We deduct this \$200 from the maximum of \$1,455, and find that she can get a total of \$1,255 in help if her car repairs cost that much.

### **If I received Alternative Aid, can I still apply for TANF if I need help?**

Yes, if you still need help after receiving Alternative Aid, you can apply for TANF. If you apply for TANF within 3 months of getting Alternative Aid, you will have to repay some of the amount that you received, but you can repay it by having it deducted from your TANF check a little at a time. If you apply 3 months after you received Alternative Aid for 3 months, you do not have to repay the Alternative Aid benefits at all.

### **How often can I apply for Alternative Aid?**

You can apply once every 12 months. Previously, you could only get Alternative Aid once in a lifetime, but that rule has changed.

### **Where do I apply for Alternative Aid?**

You can apply at the Department of Health and Human Services (DHHS) office nearest to you (see **Appendix A** for a list of local DHHS offices).

### **How can I find out more about Alternative Aid?**



#### **Contact Maine Equal Justice:**

Voice/TTY: (toll-free) 1(866) 626-7059, ext. 205

Online: <http://www.mejp.org/alternativeaid.htm>

You can also read the DHHS rule related to the Alternative Aid program:

Online: <http://www.maine.gov/sos/cec/rules/10/144/ch331/144331-9.doc>.

## **The Emergency Assistance Program (EA)**

### **Who is eligible for Emergency Assistance (EA)?**

To be eligible for Emergency Assistance (EA), you must:

- Have a child 20 or younger who lives in your household or be in your last trimester of pregnancy; **and**
- Be a "specified relative" of the child. (This is almost any relative including a stepparent, grandparent, adoptive parent, aunt, sibling, or the spouse of any relative); **and**
- Have income at or below the amount in Table 3 below. You may **also** qualify if you get TANF, Parents as Scholars, SSI, or Food Stamps as long as every household member applying for EA gets one of these benefits.

**Important note:** If you are a child age 20 or younger and live alone or with someone else, you can still get EA if you lived with a "specified relative" within the last 6 months.

**Table 3. Income limits to get Emergency Assistance  
(Income may be higher if all household members are enrolled  
in TANF, Parents as Scholars, SSI, or Food Stamps)**

<b>Family size</b>	<b>Total gross monthly income*</b>
2	\$1,215
3	\$1,526
4	\$1,838
5	\$2,150
6	\$2,461
Table shows 100% FPL for 2009. These numbers increase each year, usually around February.	

**\*Important Note:** If you have earnings, some of your gross income won't count. So even if your total income is higher than the amount shown on the chart, you should apply anyway to see if you are eligible.

**Is there a limit on how often I can get help from Emergency Assistance (EA)?**

Yes, you can only get Emergency Assistance (EA) for 30 days during any 12 months period. For example, if you apply for EA on November 1, 2008 you can apply again if another emergency occurs within the next 30 days, or until November 30, 2008. After that you cannot get EA for another year, or until November 1, 2009.

This means you should think carefully about when to apply for EA. Think about whether you might need more help later on in the year.

**How much help can I get from Emergency Assistance (EA)?**

There is a limit on the amount of help you can get for each of the emergencies listed below. There is also a limit on the amount of help that you can get overall from the Emergency Assistance (EA) program. That total limit is \$600 in a 30-day period. Since it will be 12 months until you can get this help again, be sure to apply for everything you need up to that \$600 limit when you apply, or in the 30 days after you first apply.

You will not get EA payments in cash. Assistance is in the form of a voucher that goes directly to the agency or person providing services to help with the emergency.

**What kinds of emergencies qualify for help from Emergency Assistance (EA)?**

Five (5) kinds of emergencies qualify for help from the Emergency Assistance (EA) program.

- **Disasters.** If a fire, flood, or storm damages your home or basic household items, EA can help. It can replace things like clothing, food, or

basic household items. You can also use it to pay for moving or storing basic household items after a disaster. You must apply for EA within 90 days of the disaster.

Maximum assistance: \$350.

**What to bring when you apply:** proof of your loss and an estimate of the repairs needed and the cost.

- **Repair or Replacement.** If your septic system, chimney, plumbing, furnace, or similar kind of equipment breaks or wears out, EA can repair or replace it.

Maximum assistance: \$500.

**What to bring when you apply:** proof that you own the item; an estimate of the cost of repair or replacement; and, if you are requesting a heating stove, proof from the fire department that it is safe to install it.

- **Eviction or other housing emergency. EA can help if:**
  - You have to move because your home has been condemned;
  - You must move to get away from domestic violence;
  - Your home has conditions that are unsafe or unhealthy for your child and the problem has been certified by a public official;
  - You have been evicted and the eviction was not caused because you or your guests damaged the property or caused a disturbance; for evictions EA can help with back rent, security deposits, and court costs; if you are asking EA to pay back rent, you must show that the payment will stop the eviction;
  - Your mortgage payment is overdue and EA will prevent foreclosure; or
  - Your property taxes are overdue and the EA will prevent foreclosure by the town or get your house back.

Maximum assistance: \$250.

**What to bring when you apply:** For evictions, bring your official eviction notice along with your landlord's name, address, and phone number. For help with your mortgage or back taxes, bring your past due or foreclosure notices from the bank or town. In cases of domestic violence or unsafe or unhealthy living conditions bring proof of those circumstances.

- **Utility shut-off.** If your utility has been shut off or you have a shut off notice for your electricity, gas, water, or sewerage, EA can help pay past due bills. If you were shut off in the past and you have to pay that old bill before you can get service in your name, EA can pay that old bill. EA will only help if the company will not shut off or will restore your service if the payment is made.

Maximum assistance: \$150.

**What to bring when you apply:** a copy of your shut off notice.

- **Special medical equipment or clothing.** If someone in your family is physically or mentally incapacitated, EA can help pay for special equipment or clothing. Examples include the cost of adapting your home, corrective shoes, leg or back braces, or special stockings. Eyeglasses for adults are not covered. EA will not pay for items that you can get through MaineCare or Vocational Rehabilitation.

Maximum assistance: \$250.

**What to bring when you apply:** a statement from your doctor saying that the item is needed and an estimate of the cost of the clothing or equipment.

### **How do I apply for Emergency Assistance (EA)? How soon will I know if I'm eligible? What can I do if EA is denied?**

You can apply for Emergency Assistance (EA) at your local Department of Health and Human Services (DHHS) office. Be sure to bring the information described above to show that you are in an emergency and what you need to fix it.

DHHS is required to make a written decision on your application within 10 days from the day you apply if you have given them all the required information.

If you do not get the help you think you should, you have a right to a fair hearing to review the decision. Your notice will tell you how to ask for a hearing. If you ask for a hearing, it must be held within 10 days.

### **For more information:**



Visit the Pine Tree Legal Assistance website:

Online:

<http://www.ptla.org/ptlasite/cliented/benefits/emergencyassist.htm>

## Can I save my home from foreclosure?

Home foreclosures are on the rise all over the country, including in Maine. If you are having trouble keeping up with your mortgage payments, getting threatening notices from your loan service company or are already facing foreclosure, **don't wait. Look for help now.** Try to find a legal advocate or HUD-approved housing counselor today.

### For more information:



Pine Tree Legal Assistance has information that may help on their web-site at:

Online: [http://www.ptla.org/cliented/consumer/foreclosure/index\\_html](http://www.ptla.org/cliented/consumer/foreclosure/index_html)

### 3.5. What types of tax relief are available to me and my family?



#### Tip 10.

##### **Income tax relief**

Even if you don't usually file a tax return, you may be eligible to get money back at tax time. You may qualify even if you don't have children.

You may be able to start getting tax relief in your paycheck right away.

##### **Property tax (or rent) relief**

You may be eligible for a partial refund of your property tax and/or the rent you paid last year.

If you can't afford your property taxes, you may be eligible for a tax abatement from your town.

If you own your home, you may qualify for a significant exemption of the value of your home, regardless of your income.

One or more of these programs may save you money. They may even put money directly in your pocket!

#### **Earned Income Tax Credit (EITC)**

Many families don't realize that they are eligible for the federal Earned Income Tax Credit (EITC). The EITC is a special tax benefit for working families with low or moderate income. If you are eligible for the EITC, you could owe less in taxes or get money back.

You may be eligible for a federal refund, even if you don't pay taxes.

The maximum federal refund for tax year 2009 is:

- \$5,656 for a family with three or more qualifying children
- \$5,028 for a family with two qualifying children
- \$3,043 for a family with one qualifying child
- \$457 for a family with no qualifying children

These maximum amounts change every year.

#### **Who can get the Earned Income Tax Credit (EITC)?**

You may qualify for the Earned Income Tax Credit (EITC) if you have a child (or children) in your home and even if you don't. Different rules apply to each group:

- If you have a child in your home, you may qualify if the child is:
  - Age 18 or younger; or
  - Age 23 or younger and a full time student; or
  - Completely disabled, no matter what age; and
  - The child is your son, daughter, adopted child, grandchild, step-child, sibling or step-sibling and/or their children (e.g., your niece or nephew), or a foster child placed in your home by an authorized placement agency; and
  - The child lives in your home (in the United States) for more than half the year. The child must be younger than the person claiming the child, and the child must not have filed a joint return other than to claim a refund.
- Even if you aren't eligible for a tax credit because of a child, you may still qualify for the EITC, if you are:
  - Age 25 to 65; and
  - Not the dependent of another person; and
  - Living in the United States for more than half the year; and
  - A U.S. citizen or resident alien with a Social Security number that allows you to work. (Some workers without "green cards" can qualify. Contact the Immigrant Legal Advocacy Project [ILAP] at (207) 780-1593.)

Every person listed on the tax return must have a valid Social Security number.

### **What are the Earned Income Tax Credit (EITC) income eligibility guidelines for tax year 2009?**

To qualify for the Earned Income Tax Credit (EITC) in tax year 2009, both your earned income and your adjusted gross income must be less than:

- \$43,250 if you have more than 2 qualifying children (or \$48,250 if you are married filing jointly)
- \$40,295, if you have 2 children (or \$45,295 if you are married filing jointly)
- \$35,463 if you have only 1 qualifying child (or \$40,463 if you are married filing jointly)
- \$13,440 if you do not have a qualifying child (or \$18,440 if you are married filing jointly)

"Earned" income is money you receive as salary, wages, tips, professional fees, or from other work, including self-employment. "Adjusted gross income" is the amount on line 4 of Form 1040EZ, line 22 of Form 1040A, or line 38 of Form 1040 of your income tax form.

You will not be eligible if you receive more than \$3,100 from investment income such as stock dividends.

## **Will the Earned Income Tax Credit (EITC) affect the amount of my TANF, food stamps, or other public benefits?**

If you get the Earned Income Tax Credit (EITC), it does not count as income for programs like TANF, food stamps, or Supplemental Security Income (SSI). However, it may count as an asset that puts you over the guidelines for certain programs, but only if it is not spent within a certain amount of time. The general rule is that your EITC will not be counted as an asset during the month you received it and during the next month. This gives you 2 months to spend your EITC before it could affect your eligibility. This 2-month rule applies to TANF and MaineCare families with children. Some programs have a longer limit. For example, the SSI rules give you 9 months to "spend down" the money before it counts as an asset. The Food Stamp Program gives you 1 year in most cases to spend it.

Note: You may want to consider putting your EITC return into a Family Development Account (FDA). Many programs, such as MaineCare and TANF, don't count some money in FDAs as an asset, so you can save more money without losing important benefits. For more information about Family Development Accounts, ask your DHHS MaineCare or TANF worker, or call Maine Equal Justice at (207) 626-7058 or toll-free at 1(866) 626-7059.

## **Did you know that you can start to get part of your federal Earned Income Tax Credit (EITC) right away in your weekly paycheck?**

If you expect to qualify for the federal Earned Income Tax Credit (EITC) this year, you may be able to start getting it right now. This is called the EITC "Advance Payment." The amount you can get in advance depends on your wages. If you are married, it also depends on whether your spouse also files for an advance payment. The maximum amount you can get in advance in your paycheck for all of 2009 is \$1,826.

To be eligible for an EITC advance payment you must expect:

- To have at least one child that makes you eligible for this credit; and
- That your 2009 earned income and adjusted gross income will each be less than \$35,463 (or \$40,463 if you expect to file a joint return for 2009).

If you get advance federal EITC payments, you will need to show the amount of the advance that you received on your federal income tax form. You'll get the rest of any credit you are owed after you file your tax return.

## **Should I choose the Earned Income Tax Credit (EITC) Advance Payment?**

Many workers decide not to file for an Advance Earned Income Tax Credit (EITC) payment because they fear that they will get too much and owe money to the IRS. However, there is some built-in protection against this kind of overpayment. For example, you can only get about half of the amount you are eligible for as an advance

payment. If you believe you will be eligible for the credit this year and you do not expect the circumstances that affect your eligibility to change, the advance EITC may be a good choice for you.

However, if you expect a significant change in your financial or family circumstances during the year, you probably should not file for the advance EITC payment. Advance EITC payments that are based on incorrect information may cause you to be paid more than you are eligible for. If this happens you may have to send a check to the IRS at tax time to make up the difference.

Some reasons **not** to choose the EITC Advance Payment include:

- You expect to receive a large increase in your earned income during the year;
- You hold two or more jobs at the same time;
- You have a working spouse, unless both you and your spouse sign up for the advance payment during the year;
- You plan to get married during the year and both you and your spouse will work; or
- Your child will not live with you for more than half the year.

### **How do I apply for the federal Earned Income Tax Credit (EITC) or the EITC Advance Payment?**

- **Families with a qualifying child.** To get the Earned Income Tax Credit (EITC), you must file either IRS Form 1040 or 1040A and attach a Schedule EIC to your tax return. Workers with children cannot get the EITC if they file Form 1040EZ.

If you want to get some of your credit in your paycheck now, complete IRS Form W-5 (the Earned Income Credit Advance Payment Certificate) and give it to your employer. You can download this form at: <http://www.irs.gov/pub/irs-pdf/fw5.pdf>. After your employer sends your W-5 to the IRS, you will then start to get advance EITC payments in your paycheck.

If you selected the EITC Advance Payment but your situation has changed so that you no longer want to receive an advance, you will need to give a new Form W-5 to your employer.

- **Individuals and couples without a qualifying child.** If you do not have a qualifying child in your home, you can file any federal tax form, including the 1040EZ. Your tax form will include an EIC worksheet that you can use to figure out the amount of your credit, or you can write "EIC" on the Earned Income Credit line and let the IRS figure out your credit amount for you. You do not have to file Schedule EIC.

You cannot qualify for the EIC Advance Payment if you do not have a qualifying child.

**Important note:** If you don't usually file a tax return because you don't make enough money to file, you will need to file a tax return in order to get the EITC. You can claim up to 3 years of back EITC payments. If you are afraid to do this because you think you might owe back taxes as well, contact the Low-Income Taxpayer Clinic for advice at 207-942-8241.

### **Is there a state Earned Income Tax Credit (EITC), too?**

Yes. Like the federal government, the state also gives families an earned income tax credit on their state income tax. The amount of the credit is limited to 5% of your federal Earned Income Tax Credit (EITC), and it is **not** refundable like the federal EITC. This means you will only be able to get the **state** credit if you owe, or have already paid, state income tax for the year. You can apply for your state EITC when you file your state income tax.

### **How can I learn more about the Earned Income Tax Credit (EITC)?**

- For information about the Earned Income Tax Credit (EITC), other income tax credits, and where to go for help filling your tax forms, see Pine Tree Legal Assistance's website at <http://www.ptla.org/cliented/tax/taxindex.htm>.
- You can also learn more about the EITC and the EITC Advance Payment on the IRS website. To find these publications and forms begin at: <http://www.irs.gov/formspubs/index.html>. You may also call the IRS at 1 (800) TAX-FORM
- You will also find information on the EITC and other tax credit programs at the Center on Budget and Public Policy website. During tax season it is easy to find information about the EITC on their home page: <http://www.cbpp.org>

### **Child Tax Credit (CTC) and the Additional CTC**

#### **Who is eligible for the Child Tax Credit (CTC)?**

You may be eligible for the federal Child Tax Credit (CTC) if you have dependent children who are age 16 or younger. This includes your son or daughter, adopted child, grandchild, stepchild, foster child, your sibling or step-sibling and their children or grandchildren. The children must be U.S. citizens or resident aliens living in the U.S. The child cannot have provided over half of his or her own support during the year.

Generally, the parent with whom the child lives for more than half the year can claim this credit. **But**, if a divorce or separation agreement allows the non-custodial parent to claim the child as a dependent, this gives that parent the right to claim the CTC. In this case, the custodial parent must sign a release (IRS Form 8332) giving the non-

custodial parent the right to the credit. (This does not affect the custodial parent's right to claim the Earned Income Tax Credit.)

### **How much can I get from the Child Tax Credit (CTC)?**

The maximum annual amount of the Child Tax Credit (CTC) is \$1,000 for each child.

### **What if the amount of my Child Tax Credit (CTC) is more than the amount of federal income tax that I owe? Or what if I don't owe any taxes this year?**

You may be able to get a refund through the Additional Child Tax Credit (the Additional CTC). And, you may get a refund even if you don't owe taxes for the year. To qualify for the Additional CTC in tax year 2009, you must have taxable earned income of \$3,000 or more.

Your CTC will first be used to pay off any federal income taxes that you owe. If some of your CTC is still left over, you may get a refund. This refund is called the Additional CTC.

For example, your CTC amount is \$1,000. You owe \$400 in federal income taxes. You may be eligible for a refund of up to \$600 (\$1,000 CTC minus \$400 owed for federal taxes = \$600). This is in addition to any EITC you qualify for. Whether you get the full refund amount or only part of it will depend on how much income you have. To find out how much you can get through the Additional CTC, check out the IRS website page listed at the end of this section or go to the Pine Tree Legal website (<http://www.ptla.org/taxpayer/taxtips.htm>) for information about how you can get free help with your tax returns.

### **Will the Additional CTC affect my eligibility or benefits in other programs, like MaineCare and Food Stamps?**

Like the Earned Income Tax Credit (EITC), the additional Child Tax Credit (CTC) refund is generally not counted as income in public assistance programs. If you save the money, it may be counted toward your asset limit in the third month after you received it in some programs. (More details in the EITC section above).

### **How do I claim the Child Tax Credit (CTC) and the Additional CTC?**

To claim the Child Tax Credit (CTC) and the Additional CTC you must file a federal income tax return using Form 1040 or 1040A. The instructions will help you figure out if you have any CTC left over after it has been first applied to your income tax liability. If you do, the next step is to fill out Form 8812 to claim the Additional CTC refund.

### **For more information:**



Internal Revenue Service (IRS) website:  
Online: [www.irs.gov/newsroom/article/0,,id=106182,00.html](http://www.irs.gov/newsroom/article/0,,id=106182,00.html)

Click on Publication 972, Child Tax Credit (CTC).

You can also get the tax forms you need to claim the CTC on this same page. You may also call to request these forms at 1 (800) TAX-FORM.

## **Child and Dependent Care Tax Credit**

### **Who is eligible?**

You may also be eligible for a federal and state Child and Dependent Care Tax Credit if, in order to work or look for work, you paid for:

- Child care for a child age 12 or younger; or
- The care of a spouse or a dependent of any age who is incapable of caring for himself or herself.

In addition, to be eligible for this credit:

- The child or dependent needing care must have lived with you for at least half the year; and
- The amount you paid for the care was **less** than your income for the tax year. If you are married filing jointly, you must have paid less for the care than the income of the spouse with the lowest earnings.

### **What kind of care qualifies for the credit?**

Any kind of child or dependent care that you paid for qualifies for this credit, including care provided by a neighbor or relative (except by your spouse or child age 18 or younger).

If you get some help with your child or dependent care, like from a state program that pays part of the cost, you can only count the amount that you actually pay yourself toward this credit.

### **How much can I get from the Child and Dependent Care Tax Credit?**

The amount of your credit will depend on:

- How many dependents you have;
- Your income; and
- The amount you pay for child/dependent care.

The maximum amount for the **federal** credit is \$1,050 for families with one dependent; \$2,100 for families with more than one dependent. But, you can't get the federal Child and Dependent Care Tax Credit if you earn too little to have to pay taxes. (In other words, this federal credit is not "refundable" like the federal EITC or the Additional CTC).

## **How do I file a claim for the Child and Dependent Care Tax Credit?**

To claim the federal Child and Dependent Credit you must file either Form 1040 and attach Form 2441; or file 1040A and fill out Schedule 2. You can get free copies of these forms at <http://www.irs.gov/formspubs/index.html> or by calling 1 (800) TAX-FORM.

You will need to report the name, address and taxpayer identification number (either the Social Security number or the employer identification number) of the care provider on your tax return. (If the provider is tax exempt, you will just need the name and number.) You can use Form W-10 to request this information from your care provider; this form is available at: <http://www.irs.gov/pub/irs-pdf/fw10.pdf>.

## **Is there a state Child and Dependent Care Tax Credit?**

Yes, and it may be worth a lot to you. This credit is “refundable,” meaning that you may still get a refund of up to \$500 even if you don’t have to pay any income tax. The amount of the state income tax credit is 25% (in 2009) of the federal Child and Dependent Credit you are eligible to receive.

For example, if you have determined that your federal Child and Dependent Care Tax Credit is \$1,000, then you will receive 25% of that amount for your state Child and Dependent Care Tax Credit.  $\$1,000 \times .25$  (25%) = \$250. So you would receive a \$250 state Child and Dependent Care Tax Credit refund.

If your child is enrolled in a childcare center or home with a “Quality Certificate,” you will be eligible for a double credit (50% of the federal credit) up to \$500. Ask your childcare provider if they have a Quality Certificate. If they do, ask them for the 3-digit number on their Quality Certificate and be sure to write this number on your Maine Income Tax Return.

## **For more information:**



### **Information about the federal credit:**

visit the Internal Revenue Service (IRS) website:

Online: <http://www.irs.gov/publications/p503/index.html>

### **Information about the state credit:**

visit the website of the Department of Health and Human Services (DHHS), Office of Child Care and Head Start:

Online: <http://www.maine.gov/dhhs/ocfs/ec/occhs/taxcredits.htm>, or

### **Maine Revenue Services at:**

Online: <http://www.maine.gov/revenue/incomeestate/childcare.html>

## **Help filing your income taxes**

To make sure you get all the credits and refunds you are eligible for under state and federal law, you may want to get someone to help you fill out your tax forms. Free help is available all over Maine! Go to Pine Tree Legal Assistance's website at <http://www.ptla.org/taxpayer/taxtips.htm> for information about qualified volunteers who offer free tax filing help for low-income Mainers as well as reliable free online programs.

Even if you decide to use a commercial tax preparer, it pays to resist their rapid refund offers. These offers are really loans with extremely high interest rates. With electronic filing—which many free help sites now offer—you can get your refund almost as quickly.

### **Visit Pine Tree Legal's website for more information:**



Online: <http://www.ptla.org/taxpayer/taxtips.htm>  
Say "No" to rapid refunds!

## **The Property Tax and Rent "Circuit Breaker" Refund Program for Home Owners and Tenants**

Whether you own your home or rent, you may be eligible for a partial refund of your property tax and/or the rent you paid. Now, over 200,000 Maine households are eligible for this help—you may be one of them. But, you must apply to get the refund. The maximum refund available is now \$2,000.

### **Who is eligible?**

Your eligibility for this program is based on your income and property tax or rent costs in a **prior** year. For example, if you are applying between August 1, 2008 and May 31, 2009 your eligibility will be based on your circumstances in 2007.

You may qualify for a refund if you:

- Were a resident of Maine for the year for which you are applying; and
- Maintained a home (or rented one) in Maine for the whole year and lived there for at least 6 months; and
- Your total income does not exceed a maximum amount, which changes from year to year (for 2007, \$60,000, if you lived alone; \$80,000, if you lived with a spouse or dependent(s); **and**

Your property tax for that year was more than 4% of your annual income or your rent was more than 20% of your household income.

**Important note:** Some people don't need to meet this last requirement (property tax of more than 4% of your income or rent of more than 20%). If your income was

\$13,600 or less (\$16,800, if you are married), and you were age 62 or older in the year for which you are applying **or** if you (and your spouse, if you are married) were 55 or older and disabled you do not need to meet this requirement. You will be considered "disabled" if you are receiving a federal disability payment such as SSDI).

### **Am I eligible if I live in subsidized housing?**

As a general rule, renters who live in subsidized housing (where the rent is paid, in part, by the government) are not eligible for a refund. However you may qualify if you are:

- Age 55 or older with a disability; or
- Age 62 and meet all of the other requirements listed above

### **Where can I get an application?**

You can get an application at your town or city office, library, Area Agency on Aging, Community Action Program, and Pine Tree Legal Assistance. You can also request an application from Maine Revenue Services by calling (207) 624-7894; or call Maine Equal Justice 1 (866) 626-7059. You can also print out a copy of the application from the Maine Revenue Service website. Click on "application" at <http://www.maine.gov/revenue/taxrelief/tnr.htm>

### **How do I apply?**

Mail your application to the Maine Revenue Service (the address is on the application) or you can "I-file" your application online. To submit your application online, go to <http://www.maine.gov/revenue> (click on Electronic Services).

### **What is the deadline?**

Applications for a refund on your 2007 property tax or rent must be mailed between August 1, 2008 and May 31, 2009. The Maine Revenue Service may allow up to a 2-month extension until July 31, 2009, but only if you have a good reason for not filing on time. This filing schedule is the same each year unless the law changes.

### **For assistance and more information:**



#### **Contact Maine Revenue Service at:**

Voice: (207) 626-8475 (from 8 am to 5 pm weekdays);

TTY: 1 (888) 577-6690 (from 8 am to 4:30 pm weekdays).

Online: <http://www.maine.gov/revenue/taxrelief/tnr.htm>, or

#### **Call the Pine Tree Legal Office nearest you or visit their website:**

Online: <http://www.ptla.org/cliented/tax/news2000.htm#rebate>, or

#### **Contact Maine Equal Justice:**

Voice: 1 (866) 626-7059 ext. 205

Online: <http://www.mejp.org>

## **Property Tax Abatement**

If you can't afford to pay your property taxes because you only have enough income to pay basic living expenses like mortgage, lights, heat and food, you may be eligible for what is called a "poverty tax abatement." This means that your town or city could decide that you don't have to pay some or all of your property taxes.

(Note: this is different than the regular property tax abatement. The usual type is when you believe that your town has overvalued your house. If you think this has happened, you can also ask for a regular abatement. You can ask for both the regular one and the one based on not having enough income.)

You will need to show the town what your income was for each year that you are applying for a property tax abatement. You will also need to prove that you used all of that income just to meet your basic needs and didn't have enough money left over to pay your taxes. In some cases, if you own valuable property that you could sell, you may not qualify.

### **How many years of taxes can I get help for?**

Your city or town **must** let you apply for up to 3 years of back tax bills. They **may** allow you to apply for more. If you owe more than 3 years, ask the town if they will forgive all of the taxes that you owe.

### **How do I apply?**

To apply, go to your town office or city hall. If you don't have a town office, talk to your town clerk or a selectman. Tell them you need an "abatement" because of your low income and ask for an application form. Maine law gives you the right to make a written application for a poverty abatement. If your town doesn't have a form, you can print one from the Pine Tree Legal Assistance website (<http://www.ptla.org/forms/abate.pdf>) or call the Pine Tree Legal office closest to you and they will mail one to you.

### **What happens after I apply?**

The town has 30 days to make a decision on your application. During that time they may hold an informal hearing, which you should be invited to attend. Your application and your hearing must be kept private. After 30 days, they must give you their decision in writing and tell you the reasons for their decision.

### **What if my town won't make a decision or give me an abatement?**

If the town doesn't give you a written decision in 30 days, call Pine Tree Legal Assistance. They may be able to help.

If the town denies your application, you will have 60 days to appeal this decision. To appeal you must send a letter to a “higher authority” asking for a new hearing. The written decision from the town should tell you who to contact for your appeal.

A second hearing will be held. Be prepared to go over your income and expenses for basic necessities to show why you didn’t have enough money to pay your taxes. You should get a decision from this appeal within 60 days. If you are denied again, you can appeal this decision to the Maine Superior Court. You must do this within 30 days of getting the second decision.

If the town doesn’t give you the information you need, or if you are denied, call the office of Pine Tree Legal Assistance nearest you.

### **For more information:**



Visit the Pine Tree Legal Assistance website at:  
Online: <http://www.ptla.org/cliented/taxabate.htm>

## **The Maine Homestead Exemption**

If you have owned a home that is your permanent residence in Maine for at least 12 months, you may qualify for an exemption of up to \$13,000. This means that when you get your tax bill the value of your home will be reduced for tax purposes by up to \$13,000. It doesn’t matter if you sold one home and moved to another so long as you continuously owned a home in Maine during the 12-month period. There are no income eligibility caps for the Maine Homestead Exemption.

### **How do I apply?**

It’s easy to apply. You can get an application from your town or city, or you can find a link to the form at: <http://www.ptla.org/cliented/homestead.htm>. Submit the application to your local tax assessor’s office. The application deadline is April 1st of the year for which you want to request the exemption. Once you apply, you should not have to apply again unless you move.

## **Other property tax exemptions**

You may also be able to get more tax relief if you are:

- Blind;
- A wartime veteran and at least 62 years old;
- A paraplegic veteran; or
- The widow or minor child of a wartime veteran.

If you believe that you are eligible for one of these exemptions, you can apply at your town office. You can get more information and an application for these exemptions from the State’s website at: <http://www.maine.gov/revenue/taxrelief/>.

## Appendix A: Regional Department of Health and Human Services (DHHS) Offices

35 Anthony Avenue  
**Augusta**, ME 04333  
1 (800) 452-1926 or 624-8090  
TTY: 1 (800) 606-0215  
Fax: 624-8124

396 Griffin Road  
**Bangor**, ME 04401  
1 (800) 432-7825 or 561-4333  
TTY: 1 (800) 606-0215  
Fax: 561-4493

208 Graham Street  
**Biddeford**, ME 04005  
1 (800) 322-1919 or 286-2430  
TTY: 1 (800) 606-0215  
Fax: 286-2546

392 South Street  
**Calais**, ME 04619  
1 (800) 622-1400 or 454-9020  
TTY: 1 (800) 606-0215  
Fax: 454-9012

30 Skyway Drive, Unit 100  
**Caribou**, ME 04736  
1 (800) 432-7366 or 493-4050  
TTY: 1 (800) 606-0215  
Fax: 493-4004

17 Eastward Lane  
**Ellsworth**, ME 04605  
1 (800) 432-7823 or 667-1656  
TTY: 1 (800) 606-0215  
Fax: 667-5364

114 Corn Shop Lane  
**Farmington**, ME 04938  
1 (800) 442-6382 or 778-8400  
TTY: 1 (800) 606-0215  
Fax: 778-8429

137 Market Street  
**Fort Kent**, ME 04743  
1 (800) 432-7340 or 834-7770  
TTY: 1 (800) 606-0215  
Fax: 834-7780

11 High Street  
**Houlton**, ME 04730  
1 (800) 432-7338 or 532-5085  
TTY: 1 (800) 606-0215  
Fax: 532-5027

200 Main Street  
**Lewiston**, ME 04240  
1 (800) 482-7517 or 795-4394  
TTY: 1 (800) 606-0215  
Fax: 795-4551

13 Prescott Drive  
**Machias**, ME 04654  
1 (800) 432-7846 or 255-2027  
TTY: 1 (800) 606-0215  
Fax: 255-2022

161 Marginal Way  
**Portland**, ME 04101  
1 (800) 482-7520 or 822-2071  
TTY: 1 (800) 720-1925  
Fax: 822-2310

91 Camden Street, Suite 103  
**Rockland**, ME 04841  
1 (800) 432-7802 or 596-4217  
TTY: 1 (800) 606-0215  
Fax: 596-4331

890 Main Street, Suite 208  
**Sanford**, ME 04073  
1 (800) 482-0790 or 490-5418  
TTY: 1 (800) 606-0215  
Fax: 490-5499

98 North Avenue  
**Skowhegan**, ME 04976  
1 (800) 452-4602 or 474-4848  
TTY: 1 (800) 606-0215  
Fax: 474-4890

243 Main Street, Suite 6  
**So. Paris**, ME 04281  
1 (800) 593-9775 or 744-1200  
TTY: 1 (800) 606-0215  
Fax: 743-8735

## Appendix B: 2009 Federal Poverty Levels

### Annual Income

Household Size	100%	130%	133%	150%	165%	170%	185%	200%	250%	300%
1	\$10,830	\$14,079	\$14,404	\$16,245	\$17,870	\$18,411	\$20,036	\$21,660	\$27,075	\$32,490
2	\$14,570	\$18,941	\$19,378	\$21,855	\$24,041	\$24,769	\$26,955	\$29,140	\$36,425	\$43,710
3	\$18,310	\$23,803	\$24,352	\$27,465	\$30,212	\$31,127	\$33,874	\$36,620	\$45,775	\$54,930
4	\$22,050	\$28,665	\$29,327	\$33,075	\$36,383	\$37,485	\$40,793	\$44,100	\$55,125	\$66,150
5	\$25,790	\$33,527	\$34,301	\$38,685	\$42,554	\$43,843	\$47,712	\$51,580	\$64,475	\$77,370
6	\$29,530	\$38,389	\$39,275	\$44,295	\$48,725	\$50,201	\$54,631	\$59,060	\$73,825	\$88,590
<b>Each Additional</b>	\$3,740	\$4,862	\$4,974	\$5,610	\$6,171	\$6,358	\$6,919	\$7,480	\$9,350	\$11,220

### Monthly Income

Household Size	100%	130%	133%	150%	165%	170%	185%	200%	250%	300%
1	\$903	\$1,174	\$1,201	\$1,354	\$1,490	\$1,535	\$1,670	\$1,805	\$2,257	\$2,708
2	\$1,215	\$1,579	\$1,615	\$1,822	\$2,004	\$2,065	\$2,247	\$2,429	\$3,036	\$3,643
3	\$1,526	\$1,984	\$2,030	\$2,289	\$2,518	\$2,594	\$2,823	\$3,052	\$3,815	\$4,578
4	\$1,838	\$2,389	\$2,444	\$2,757	\$3,032	\$3,124	\$3,400	\$3,675	\$4,594	\$5,513
5	\$2,150	\$2,794	\$2,859	\$3,224	\$3,547	\$3,654	\$3,976	\$4,299	\$5,373	\$6,448
6	\$2,461	\$3,200	\$3,273	\$3,692	\$4,061	\$4,184	\$4,553	\$4,922	\$6,153	\$7,383
<b>Each Additional</b>	\$312	\$406	\$415	\$468	\$515	\$530	\$577	\$624	\$780	\$935

**Note:** Poverty levels are adjusted every year, usually around February.

## Appendix C: Pine Tree Legal Assistance Offices

<b>Augusta</b> Voice: 622-4731 TTY: 623-7770	<b>Machias</b> Voice: 255-8656 TTY: 255-6179
<b>Bangor</b> Voice: 942-8241 TTY: 942-1060	<b>Portland</b> Voice: 774-8211 TTY: 828-2308
<b>Lewiston</b> Voice: 784-1558	<b>Presque Isle</b> Voice: 764-4349 TTY: 764-245