

10-144 C.M.R. Ch. 301 – Supplemental Nutrition Assistance Program (SNAP)

Section 999-2

SNAP Rule 230A – ABAWD Geographic Exemptions

Summary of Public Comments and the Department’s Responses

The proposed rule was published on September 27, 2023, and there was no public hearing. The comment deadline was October 30, 2023, and the Department received written comments from the following individual and organization:

Table of Commenters

1. Alex Carter, Policy Advocate, Maine Equal Justice

Summary of Comments and Responses

1. **Comment:** Commenter #1 stated support for the Department’s “initiative to pursue a geographic waiver to exempt from the time limit certain able-bodied adults without dependents who reside in areas of high unemployment.”

Response: The Department thanks the commenter for the comment. No change was made to the final rule.

2. **Comment:** Commenter #1 stated “In addition to proactively identifying time-limited individuals who reside in one of the 260 qualifying communities included under the waiver, the Department must similarly codify clear guidance for how eligibility workers screen for exemptions, including the new exemptions to the ABAWD time limit.” Commenter #1 recommended the Department incorporate and operationalize screening for exceptions and exemptions to work requirements in areas where the ABAWD waiver is in place as outlined in FNS guidance.

Response: The Department thanks the commenter for the comment. The Department agrees that a clearly defined internal process on how to apply exemptions and good training is essential. The proposed change is beyond the scope of the rulemaking, which was limited to listing geographic areas that were approved for exemption in a federally approved waiver. No change was made to the final rule.

3. **Comment:** Commenter #1 stated “We also urge the Department to clarify in the SNAP rules and in noticing that SNAP participants in Maine earning at least minimum wage (\$13.80 per hour) are exempt from general work requirements and the time limit if they work 16 hours per week or more as they earn wages equal to the federal minimum wage multiplied by 30 hours.” Adding by doing so would minimize confusion for participants and eligibility workers.

Response: The Department thanks the commenter for the comment. The suggested change is beyond the scope of the rulemaking. There was no change as a result of this comment.

4. **Comment:** Commenter #1 stated “we encourage the Department to codify the use of the state’s discretionary exemptions in subsequent rulemaking to reduce administrative burden and provide greater clarity to participants ” In addition, this commenter added after “the end of the national public health emergency and our statewide waiver to the time limit, there are many people utilizing SNAP today who are unfamiliar or accustomed to reporting their work hours in order to retain their benefits.”

Response: The Department thanks the commenter for the comment. The comments are beyond the scope of the rulemaking. The Department does agree that information about how to report work hours is important and is using multiple approaches to get this information out to impacted individuals. There was no change as a result of this comment.

5. **Comment:** Commenter #1 stated “We recommend that the Department uniformly apply our current 65,755 discretionary exemptions to all time-limited individuals who are not meeting the ABAWD work requirements and who do not live in an area covered by the proposed waiver for a specified number of months or until which time we exhaust our bank of discretionary exemptions.”

Response: The Department thanks the commenter for the comment. The Department will retain the discretionary authority provided by the federal regulations to apply exemptions for additional circumstances it determines appropriate. There was no change as a result of this comment.

NO CHANGES WERE MADE TO THE FINAL RULE

No changes were made to the final rule as a result of public comment. The final rule is consistent in substance with the rule that was proposed.