

# MAINE STATE LEGISLATURE

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**Legislative Record**  
**House of Representatives**  
**One Hundred and Twenty-Sixth Legislature**  
**State of Maine**

**Daily Edition**

**Second Regular Session**

beginning January 8, 2014

beginning page H-1301

Seven Members of the Committee on **HEALTH AND HUMAN SERVICES** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-787)** on Bill "An Act To Increase Integrity in the Temporary Assistance for Needy Families Program through Restriction of Expenditures"

(H.P. 1312) (L.D. 1822)

Signed:

Senators:

CRAVEN of Androscoggin  
LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland  
CASSIDY of Lubec  
DORNEY of Norridgewock  
GATTINE of Westbrook  
STUCKEY of Portland

Five Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-788)** on same Bill.

Signed:

Senator:

HAMPER of Oxford

Representatives:

MALABY of Hancock  
McELWEE of Caribou  
SANDERSON of Chelsea  
SIROCKI of Scarborough

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "C" (H-789)** on same Bill.

Signed:

Representative:

PETERSON of Rumford

Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-787)**.

**READ.**

Representative FARNSWORTH of Portland moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended**.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass as Amended**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative **GATTINE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the pending motion. This bill is about TANF. We'll probably talk a lot about TANF today. TANF is a critical part of the safety net designed to give low-income people temporary support while they get back on their feet. A lot of different services are available, but it also includes a little bit of cash support. Most people on TANF are single moms with kids, people who are working hard trying to climb out of poverty, and, over the last few years, we've slashed this program. We've cut it; 12,000 fewer kids are on it today. We've cut the number of families on it in half. But even though Maine has slashed this program, we still have an obligation to make sure that this program is well managed and that the funds

are spent to advance the purpose for which they are intended, and we need to encourage people to use the money for which it's intended. That's what the Majority Report before you does. So what the Majority Report does is it strengthens the program integrity of the TANF program. It adds to the list of prohibited establishments where TANF funds cannot be used on the EBT cards to include smoke shops. When we spoke about this bill in committee, the Department told us that its main goal here was education. The Majority Report requires the Department to undertake an education program, you know, they haven't done this in the past, but explain to people what the purpose of the program is, what the funds should be used for, and what the funds shouldn't be used for. It requires the Department to move forward with the effort to implement the tools we've already given them, make sure that they're doing the correct things to make sure that people can't use EBT cards with TANF benefits in the places where they're not supposed to. These measures that are already in place went into effect in July 2013. The Department has started the process of blocking transactions, hasn't finished that yet. This would add additional transactions or additional places, and what this bill would require is for the Department to complete that effort and report back to us how it's doing. So I would ask you all to support this report, its efforts to strengthen the program and make sure people understand what they should be using this money for, and making sure people can't use these cards in smoke shops. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The Department does have some tools, but they don't have one of the most important tools. They do not have the tool of prohibition. The good Representative from Westbrook is right. This is to benefit the children, the families with children, needy families with children. If there is anybody in this room who feels as though we should not prohibit money that is intended to be used for children to be purchasing tobacco products, alcohol products, lottery tickets or a ticket out of jail, I don't know who it is. I certainly don't.

The SPEAKER: Would the Representative defer? The Chair recognizes the Representative from Sanford, Representative Mastraccio.

Representative **MASTRACCIO**: Mr. Speaker, I think that the good Representative should address her remarks to the Chair.

On **POINT OF ORDER**, Representative **MASTRACCIO** of Sanford asked the Chair to remind Representative **SANDERSON** of Chelsea to address the Speaker and not turn to the rest of the House.

The SPEAKER: The Chair would remind all members to please address remarks through the Chair.

The Chair reminded Representative **SANDERSON** of Chelsea to address her comments toward the Speaker.

The SPEAKER: The Representative may proceed.

Representative **SANDERSON**: Thank you, sir. I don't know of anybody who would support that when we're supposed to be supporting the kids. This would give the Department the tools to do that. You cannot merely tell people, "You are not allowed to use this money to buy tobacco," and expect them to do it. I think they already know that. I think they already know we're not allowed to buy alcohol with this. You have to make it illegal or it's just a paper tiger with no teeth. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Carey.

Representative **CAREY**: Mr. Speaker, this bill was referenced on March 18. Permission to pose a question through

the Chair to the Representative from Chelsea, the Representative from Hancock or the Representative from Scarborough?

The SPEAKER: The Representative may pose his question.

Representative CAREY: There was a previous concern that another bill referenced on March 18 didn't give the committee enough time to deliberate. Was there enough time to deliberate with this bill before it was referenced on that same day?

The SPEAKER: The Representative from Lewiston, Representative Carey, has posed a question through the Chair to the Representative from Chelsea, Representative Sanderson, the Representative from Scarborough, Representative Sirocki, or the Representative from Hancock, Representative Malaby.

Representative SANDERSON: Thank you, Mr. Speaker. I'd be happy to answer that question. I think this is much simpler than a broad review of all of our programs. This eliminates the use. It makes it illegal to use tax dollars to buy tobacco, alcohol, lottery tickets and bail, period. That's not hard to understand, and I think the effects of that and how that money will not be used on that can help the families support their children is much easier to understand than a broad review and how you implement a broad review of all of our departmental programs.

The SPEAKER: The Chair recognizes the Representative from Hancock, Representative Malaby.

Representative MALABY: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In reference to the question from the gentleman, this bill was six sentences long. I could handle that in a day.

The SPEAKER: The Chair would remind all members to refrain from straying remarks outside of the motion before us. The motion is should the House Accept Report "A," Ought to Pass as Amended Report, and refrain remarks to the content of that bill.

The Chair reminded all members to stay as close as possible to the pending question.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative MacDonald.

Representative MacDONALD: Thank you, Mr. Speaker. I rise in opposition to this motion because I feel it doesn't give enough teeth to the bill that I was a primary sponsor on. LD 1822 was a simple bill that provided a law that would make it illegal to spend the money allocated for food on tobacco, liquor, gambling, or lotteries or bail. This money is supposed to be used to help the neediest of families with children by ensuring that the funds are used for their intended purposes, and it is in our purview in this Legislature to protect the integrity of the TANF benefit system. As the primary sponsor of this bill, there has been a lot of over zealotness of the press and some would categorize this legislation as an attack on the poor and that is so far astray from this bill that I am baffled by the intention on misrepresentation of the proposal. In my short tenure as a State Rep, I've only been the primary sponsor on three bills. I do not sign on for bills that I don't believe in 100 percent and LD 1822 is one of these bills. Many who sit here know me or my community and an attack on the poor or working poor by a Republican sponsored bill may be a good sound bite, but it is incorrect. When I speak to the people of my town about this bill to stop the spending of tax dollars on indulgent items like tobacco or alcohol or gaming, they all stand with me. It doesn't matter whether they are Democrat, Republican or Independent, and, to me, that says something. This bill simply makes it illegal to purchase these items. This bill protects the dollars that are used to feed hungry children and of all of the welfare reform bills of this session, this one is the easiest to implement. As a store clerk in Old Orchard Beach, every day I check identifications in order for people to purchase

alcohol or cigarettes. It would be easy for any clerk at any store to prohibit the purchase of tobacco, liquor or lottery tickets. The state trusts employees like me, making \$8 to \$10 an hour, to enforce the current liquor and tobacco laws, and this bill, as it was proposed, 1822, would be no different. Talking with the people all over Maine and from the posts on my social media page, Maine people support this reform. Furthermore, I'm under no Pollyanna allusions that this will stop those who choose to break the law from continuing to do so, but this by no means has one iota of negative impact on those families that are spending their TANF benefits to feed their families. This bill protects those dollars from abuse and protects the integrity of the TANF program. I urge you to reject this motion and support the reform to support the integrity of the people, the poor, and the working poor who use these benefits as intended. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of Report "A" Ought to Pass as Amended. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 630**

YEA - Beaudoin, Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Graham, Grant, Hamann, Herbig, Hobbins, Hubbell, Jones, Jorgensen, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Peoples, Peterson, Plante, Powers, Priest, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saxton, Schneck, Shaw, Short, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Mr. Speaker.

NAY - Ayotte, Beaulieu, Bennett, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harlow, Harvell, Hayes, Hickman, Jackson, Johnson P, Kaenrath, Keschl, Kinney, Knight, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sanderson, Saucier, Sirocki, Stanley, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Winchenbach, Winsor, Wood.

ABSENT - Black, Devin, Goode, Johnson D, Noon, Pringle, Wilson.

Yes, 83; No, 61; Absent, 7; Excused, 0.

83 having voted in the affirmative and 61 voted in the negative, with 7 being absent, and accordingly Report "A" Ought to Pass as Amended was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-787)** was **READ** by the Clerk.

Representative McCABE of Skowhegan **PRESENTED House Amendment "A" (H-802)** to **Committee Amendment "A" (H-787)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative McCABE: Thank you, Mr. Speaker. This amendment before us would prohibit funds from Temporary Assistance for Needy Families to be used for the purchase of tobacco and alcohol. No one wants to see these funds being used for such things as liquor and cigarettes. These things are meant for folks to be using this for rent, food, heat and other things. I present this House Amendment today as a way to move this issue forward, to reach out across the aisle, to seek some common ground and see if there's a willingness. I think today

this shows a willingness, a willingness on my part to move beyond my comfort level and move to a place where I hope others will join me in supporting this pending motion. Thank you.

Representative **FREDETTE** of Newport **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-802) to Committee Amendment "A" (H-787)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. While I appreciate the prohibition being put back into the bill with this amendment, however, there has been something else that's very important removed, it's actual consequences for using moneys on these tobacco, alcohol, gambling, and lottery and bail. I mean there is absolutely almost no way for the Department to appropriately either suspend or disqualify or anything for anybody who might be abusing any benefits. So, again, we're talking about a paper tiger. It has no teeth. You make it illegal to use it, but there's really no consequence if you do. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker. As I said before, this amendment before us actually moves me quite out of my comfort level. I brought this amendment forward yesterday afternoon. I spent some time meeting with the administration, with folks from the other side of the aisle, and there are consequences here. There are consequences here that I feel are more than appropriate. I think that they are humane. I think that they reach out. They provide education. And to hear the thoughts that there is no consequences, I just want to be clear, folks. The first offense in this amendment will be a warning and education. The second offense would be loss of benefits for six months. The third offense, loss of benefits for a year, okay? So I don't want us to pretend that we don't have a loss of benefit here and it's painful to hear that that's being suggested. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think the good Representative from Skowhegan is a little bit in error regarding his amendment. The first offense is a warning, the second offense is a disqualification that does not exceed three months, and the third and subsequent offense is a period of disqualifications for benefits that do not exceed six months. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I appreciate the attempt by the good Representative from Skowhegan to make some movement on this process, however, my interpretation of the bill is that it adds really two things to what is really the Majority Report, which one is the reporting requirement asking the Department to go out and collect the data and report that data but within current rules of the Department of Health and Human Services. Within the current rules of the Department of Health and Human Services are rules if you violate the use of these benefits, and the current rule is, as I understand it and I certainly can stand corrected, but the first violation under the current rules of the Department, one-year suspension for the first violation, two years for the second violation of the abuse of the TANF benefit, and for the third offense permanent prohibition on use of the TANF benefits. So my interpretation of the amendment clearly

demonstrates a departure from what is a very significant enforcement mechanism in terms of trying to create an incentive not to abuse these cards from a one-year to two-year to a permanent "three strikes and you're out" violation of the use of these cards. So the good Representative from Skowhegan's effort actually weakens those substantially from a rule for one year down to a letter in the mail, and so I mean if we really actually want to weaken our laws in regards to abuse of these TANF benefits, then you should support the amendment. I think, quite frankly, Maine people have spoken pretty loud and pretty clear that we have to have a system where we think that there is responsible use of these cards. There are people in Maine, and we know there are many people in Maine, that need these benefits, particularly women with single children. Whoever needs the benefits should receive these benefits, and what we seek to do is to harness those resources which we have, which are limited resources, and to try to get those to the people that are most in need. My understanding is there's at least, you know, roughly \$14 million in abuse out there that the Chief Executive has identified and if we now want to weaken the penalties for abuse from one year of a first offense down to a letter in the mail, support the amendment. But I think that's entirely the wrong direction that the people of the State of Maine expect us to be removing on the issue of welfare reform and so I ask you to follow my light and not support the proposed amendment.

The **SPEAKER**: The Chair recognizes the Representative from York, Representative McGowan.

Representative **McGOWAN**: Mr. Speaker, may I pose a question through the Chair?

The **SPEAKER**: The Representative may pose his question.

Representative **McGOWAN**: Does anyone have any information other than the Chief Executive's figures that said that 99.8 percent of EBT cards are actually legitimately used? Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker. You know, I always say an apple over bread is better than none at all, but I guess this amendment reaches across the aisle but across the aisle don't want to reach back. So I guess we'll just have to go without them once again. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Presque Isle, Representative Saucier.

Representative **SAUCIER**: Mr. Speaker, may I pose a question through the Chair?

The **SPEAKER**: The Representative may pose his question.

Representative **SAUCIER**: I would like to know how many violations have occurred where individuals have been actually sanctioned and prosecuted.

The **SPEAKER**: The Representative from Presque Isle, Representative Saucier, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker. It's very difficult to prosecute something that which is not illegal at this time.

The **SPEAKER**: The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative **HARVELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. About 100 years ago when the modern welfare state started, the dialectical materialism first made its wages there and there were some dystopian authors who pondered a horrifying weltanschauung, but what this would resemble in the years to come. Thue, Orwell, and Huxley took pen to paper and talked about what this assault

upon human nature would lead to, and here we are today talking about basic safety nets. It seems to me that historically Huxley got it a little more right than Orwell did and that our pharmaceutical attempt to find soma is still in progress. But human beings are about more than materialism. They are more than about just safety nets. There is something corrosive about dependency...

The SPEAKER: Would the Representative defer? The Chair recognizes the Representative from Sanford, Representative Mastraccio.

Representative **MASTRACCIO**: Once again, I would ask that the Speaker remind the good Representative to speak through the Speaker.

On **POINT OF ORDER**, Representative **MASTRACCIO** of Sanford asked the Chair to remind Representative **HARVELL** of Farmington to address the Speaker and not turn to the rest of the House.

The SPEAKER: It is my responsibility that decorum is kept in this chamber and in this debate. If I feel it is not, I will ask the Representative to defer and will call on another speaker.

The Chair reminded Representative **HARVELL** of Farmington to address his comments toward the Speaker.

The SPEAKER: The Representative may proceed.

Representative **HARVELL**: The dependent nature of the welfare state is in fact an assault upon the human spirit because it basically breaks us down to materialism alone and we are not about just that. If one walks to Europe and looks at any village there and asks what was important to those people, and they look and they'll see a church, and one would say that the stoneworker that worked on the buttresses to the cathedral at Notre Dame was more than just about a safety net and dependency, but the modern welfare state strips him of that as well. The authors of the world, from serfdom's Tolstoy to Mark Twain's era of slavery, even to Dickens's writings in the Industrial Revolution, recognized that man is more than just about a series of dependencies.

The SPEAKER: Would the Representative defer? Why is the Representative from Freedom, Representative Jones, rising?

Representative **JONES**: To inquire of the Chair whether the current discussion is germane.

Representative **JONES** of Freedom asked the Chair to **RULE** if the remarks of Representative **HARVELL** of Farmington were germane to the pending question.

The SPEAKER: The Representative may proceed. The Chair rules that it is germane.

Subsequently, the Chair **RULED** that the remarks of Representative **HARVELL** of Farmington were germane to the pending question.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative **HARVELL**: One wonders what the opuses will be to the modern welfare state. Perhaps there will be a book on Section 8 housing or romance in the age of EBT cards. Materialism is not what we aspire to. It's not what we aspire to as human beings. Our spirits are about more than that and this is corrosive to that and it needs reform. One only needs to look at Europe and watch where this has left a basic human function which is reproduction. Reproductive rates are plummeting across the continent, so much so that the Danish government just released a video that one may go watch called "Do It for Denmark." In the futile system alone, the appetite of the welfare state knows no end. In the futile system alone, an individual is required to work merely 40 days for the futile lord. The rest of his time was on his own, but the modern welfare state requires 90 days to bring this dependency upon them. Over 100 years ago,

Sitting Bull watched this government dependency in action and he talked about the liberty of the tribes and the freedom of the tribes, and he asked his members "Are you willing to give up your freedom for some hard-tack and bacon?" Now, someone might say, "What is your answer?" Well, I realize mine is a rarely revolutionary idea, but it involves liberty and dependency and responsibility.

The SPEAKER: The Chair recognizes the Representative from Morrill, Representative Pease.

Representative **PEASE**: Boy, how do you follow that? Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have first a comment and then a question I'd like to pose through the Chair. Last week, I was speaking to a member of this House who said that we shouldn't be looking at this and taking things away because it was people's right. I just want to know how do you earn the right to use an EBT card for bail, for cigarettes, for liquor and to travel out of state. How do you earn that right?

The SPEAKER: The Representative from Morrill, Representative Pease, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Dion.

Representative **DION**: Good afternoon, Mr. Speaker, Ladies and Gentlemen of the House, my good friends from across the aisle. I rise in support of this amendment because I think it makes good common sense. If we have an issue that we're trying to address, we would like to provide oversight and sanction to people who inappropriately use taxes from our common citizens for purposes that this body feels are inappropriate. It's been suggested by some of my colleagues that the punishment doesn't fit the crime or that we couldn't do anything because it wasn't a crime. I say to you things have to be proportional. My esteemed colleague in the far corner is an attorney, a good one, and I'm sure that when he stands before the bench he argues on behalf of his client for proportional punishment, that it shouldn't be excessive, that just law expects compliance and looks for compliance. To get there, we need to give individuals notice and that's the first step in my brother's proposal in the amendment is to give the individual notice, and then we move on to sanctions that look minor but you know they have real significant consequences on families that live in that circumstance. Let's set aside this bad person, all right? Let's set aside this person who's ripping you off and ripping me off and ripping off our neighbors. Heck, we want to hold him accountable because I'm sure the image is usually him. I hear of the idea of that deserving single mother, all right, so I'm sure the picture of the bad person is a myth. Set him aside. He could not have gotten the benefit unless he was the custodial parent. So there are children at risk. So I think we need to check our anger and frustration with that parent and reserve some compassion for the children who actually will be the ones who will suffer this consequence, all right. We will transfer the sins of their father to them. I just want you to be aware of that. Now, we're not really making it a crime with this amendment. We're making it an administrative violation and some would say, aghast – that's a word, by the way, my good friend from Farmington would use – aghast, it's not enough. But let me tell you something and I think my colleague in the corner would agree. Lawyers do very poorly in an administrative hearing. The level of facts needed to prove the case for the state is minimal. The standard of evidence is low. If I am retained to defend you in a criminal court, we may have a chance. If I am retained to defend you in an administrative hearing, we talk about what the consequence should look like, all right. We often do not prevail in an administrative hearing. The person that we're trying to hold in check is more likely to be held accountable in the type

of punishment proposed by this amendment, an administrative one, and punishment that's sure and swift is punishment that works. It doesn't have to be long, it has to be certain. And I can guarantee you if I had my druthers I would rather bring a party accountable in a civil environment quickly than to delay and sidestep and put off an inevitable in a criminal arena. Thank you, ladies and gentlemen.

The SPEAKER: The Chair recognizes the Representative from Buckfield, Representative Hayes.

Representative **HAYES**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. I'm going to vote in favor of the pending motion, in favor of the proposed amendment by my colleague from Skowhegan. I'm going to do so because I believe what he's brought forward offers an opportunity for us to say on the record that this use of this particular source of safety net money cannot be used for these items or these activities, and I think that's reasonable. These are our most vulnerable families. That's how they qualify for this assistance and in providing that assistance, we shouldn't allow that to be used on activities and items that exacerbate the vulnerability of those same families. So I support this change in the law. I also support the change in the consequences. When we change the rules, we should be willing to look at the consequences and see whether or not the standing consequences are in fact appropriate given the changes in the law that is being proposed, and I believe the changes and the consequences are reasonable and reflect those adjustments that we're making in terms of the prohibitions. We retain the opportunity once we adopt this particular change in the law to implement those changes and adjust the consequences in the future if our experience with that implementation suggests that those adjustments are reasonable. I think this is a reasonable approach that we should all welcome the opportunity to support. I ask you to give it considerable thought and recognize when you change the rules, you should be willing to change the consequences, at least at the initial implementation, and make adjustments over time. I believe that opportunity will exist if we support this proposed amendment. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Timberlake.

Representative **TIMBERLAKE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm trying to put my words in a polite manner because we're abusing taxpayer dollars in my mind and we heard the good Representative from Portland say we want to hold them accountable. Well, yes, I do want to hold them accountable, for the misuse of funds is now called an administrative violation. I don't know if I call that administrative violation. I would call that inappropriate use of our funds known as close to stealing. A letter is not the right consequence for this crime. Sending someone a letter or a slap on the hand is not the right consequence for what you're asking of these people. I know that they're the most vulnerable. I know that they're the people that are hurting. But they need to use the funds right and if they know they're only going to get a slap on the hands because, trust me, people, they're no different than anybody else. If they think they can get away with it, they're no different than I would be. They're going to try it until they get the slap on the hand. I think it needs to be more than a slap on the hand. We need to do more than send them a letter. We need to send them a message and the best message needs to be you can't spend taxpayers' money inappropriately. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Sabattus, Representative Wood.

Representative **WOOD**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **WOOD**: When a person applies to TANF, are they given rules on how they can spend the money at the time of signing up for TANF?

The SPEAKER: The Representative from Sabattus, Representative Wood, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Mapleton, Representative Willette.

Representative **WILLETTE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This amendment really takes the teeth out of enforcement for the Department. If I were to go in and rob a convenience store, I don't think I'd receive a warning letter from the state. I'd be having a conversation with the police officer and receiving a summons. Folks, breaking the law is breaking the law, and we need to make sure that the Department has the ability to enforce these laws and a letter is not a very effective enforcement mechanism. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Chase.

Representative **CHASE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to look at the life that I've lived and the people that have lived around me and I find it truly appalling, appalling, that we have to put into law the fact that people who get money for their families to feed their children are instead spending their money either on alcohol or smoking or bail or whatever else other than doing what was meant to do was to feed their children and their family. I think it's appalling that we have to pass a law to do that. But if it's that necessary, that necessary, that we have to pass a law that says reasonable people who have responsibility for a family shouldn't be spending their money that way, then we darn well better put into force a little more teeth and punishment for people that are doing that when it's against the law. They shouldn't be doing it anyway, even if it wasn't against the law. They should be taking that money and paying it on their families and regardless of whether it's taxpayer money or money they're earning, that's what their responsibility is. But if we need to pass a law to make them do it, then we better punish them for breaking the law as well as not feeding their families.

The SPEAKER: The Chair recognizes the Representative from York, Representative McGowan.

Representative **McGOWAN**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **McGOWAN**: I'm probably wandering into dangerous ground with my esteemed legally trained colleagues, but when I look at this, excluding bail, do we not have built into our Constitution that people are innocent until proven guilty?

The SPEAKER: The Representative from York, Representative McGowan, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative **GATTINE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. You know, as I've sat here and listened to this, I think it's important to remind people that the TANF program has been under constant attack by this Chief Executive since he took office. When this administration came to power, there were 15,000 families on TANF and now there are under 8,000. This program has been cut almost in half. Over 12,000 children have lost benefits. So as child poverty in Maine has gone up, the number of children receiving our help has gone down and I think that's a sad legacy and it's something

we should all be ashamed about. So when confronted with a proposal like the one in front of us, that's the filter I view it through. We have an administration that has already used every tool at its disposal to harm poor Maine children. Why would we give it another...

The SPEAKER: Would the Representative defer? The Chair recognizes the Representative from Newport, Representative Fredette, and inquires as to why the Representative rises.

Representative FREDETTE: Mr. Speaker, I appreciate the comments of the opinion in regards to what the Chief Executive has done or hasn't done for the past three years, but whether or not that's germane to the bill, I would raise that as a Point of Order, Mr. Speaker.

On POINT OF ORDER, Representative FREDETTE of Newport asked the Chair if the remarks of Representative GATTINE of Westbrook were germane to the pending question.

The SPEAKER: The Chair would answer that could be potentially germane, but I would remind all members around questioning other's intentions or motives in prior pieces of legislation or this one.

The Chair reminded all members to stay as close as possible to the pending question and that it was inappropriate to question the motives of other members of the House or to refer to the potential action of the office of the executive or the other body in order to influence the vote of the House.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative GATTINE: Thank you, Mr. Speaker. I'll move on, thank you. So this conversation about the sanctions, I think, is one that's important and, frankly again, it's concerning to me. When we had our committee meeting last week, representatives from the Executive's office were there and representatives from the Department were there, and they were very clear to us that their primary goal here was one of education. So while frankly I'm not going to support the amendment, I appreciate the part of the amendment that has different kinds of sanctions and I think it's important that that's what we were told is the Executive's intent as it's going to move forward. So while I may agree, and I do agree, that there are some items that should not be purchased with EBT cards, I am not going to give the Executive or the Department the power and the authority to throw someone off of this program for a year for buying a pack of cigarettes or a couple of scratch tickets. I don't think that's fair and I don't think it's reasonable and I don't think it's something that this body should support. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Hickman.

Representative HICKMAN: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative HICKMAN: Thank you. Do we have any data of any kind on any families or individuals who have used their TANF benefits to post bail?

The SPEAKER: The Representative from Winthrop, Representative Hickman, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Standish, Representative Shaw.

Representative SHAW: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I don't know if it's going to be in the form of a question, but looking at the floor amendment that we have in front of us, it looks like we're going to prohibit people on TANF from using the benefits to buy tobacco, liquor, gaming activities, lottery tickets and bail, and I agree with that. We also heard from the good Representative from Newport that there are, right now, pretty severe penalties for misusing

TANF funds, a year for the first violation, and that's totally appropriate, in my opinion, for a lot of offenses, such as we heard in some of the data from the committee that there were people using the cash card to take cash out in California, in Los Angeles, on the first of the month, for months and months in a row. That's an obvious misuse of the funds and they should be kicked off the program indefinitely. But the reality is if someone in the state, and I totally disagree with using it, they make a mistake and buy a pack of cigarettes with their TANF card while they're at the store and they don't realize they need to give the cash to the person instead of a card or whatever the reason is, do we really need to cut them off for a whole year? I think the warning and the three-month penalty is fairly good in regards to these products. This floor amendment does not remove the year, removal of your benefits for all the other offenses that you might have under this program. If you read, in section 11, paragraph B., it says, "An eligible recipient of cash assistance from the TANF program who knowingly makes a prohibited purchase in violation of paragraph A is subject to the following penalties:" and that's buying tobacco, liquor, gaming, lottery or bail. The fact of the matter remains that if you make any other violation of your TANF benefits, you can still lose those benefits for the year, two years, and then indefinitely. So there has to be a distinction made here and people have to realize, I think, that there is that distinction with this floor amendment. So I don't know if there was confusion around that, but we're not eliminating the yearlong for the first offense, the two years for the second offense, and the indefinite penalties for misuse of TANF benefits here. We're just stipulating that if you use it for these purposes, you lose it for, you get the letter, then you get three months and then six months. So just my own little take on House Amendment "A." Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Limington, Representative Kinney.

Representative KINNEY: Thank you, Mr. Speaker, and to answer the question from the good Representative from Winthrop, yes, sir, I have had a Maine resident in my house, in my kitchen, who has stated while working at the police department in the City of Westbrook people have come in, used the card, put it in the ATM machine in the police department and posted bail. Thank you.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Sirocki.

Representative SIROCKI: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. A couple of things that might be helpful because I've had some questions posed to me just by notes. An EBT card is short for an Electronic Benefit Transfer card and on that card, multiple benefits may be loaded. So that TANF cash benefits – TANF stands for Temporary Assistance for Needy Families – and the SNAP benefits which were formerly food stamp benefits, which SNAP stands for Supplemental Nutritional Assistance Program, so multiple benefits can be loaded onto one card. We're dealing just with the TANF benefits, the cash benefits that are designed to provide temporary assistance for needy families. It also may be of interest to note that according to this document I have here, prior to September 1, a violation was 6 months for the first violation, 12 months for the second, and permanently for the third violation. Then on September 1, 1997, since that time, apparently in the State of Maine the violations have been 1 year for the first violation, 2 years for the second, and permanently for the third. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker, and I apologize for rising a second time, but I just want to reiterate and actually want to respond to the comments from the good Representative from Portland, Representative Dion, in that I agree with some of his assertions in which we, as attorneys, often times, will go before a judge and we will make arguments about what a proper sentence should be in regards to someone who has violated the law. That's something that we do. The other thing that we rely upon, in terms of the criminal process, is this thing called prosecutorial discretion and what that means is there are times, for example, when a prosecutor chooses not to prosecute a case. I, for example, one time, had a case where a fellow who had a moose permit, the moose was 300 yards out into the field, shot at the moose. There were two moose standing beside each other and the bullet actually struck and killed two moose. That is, in fact, a clear violation of the law when you have a license to kill just one moose, and, in fact, this person got a summons for violating the law and the penalty is fairly stiff, believe it or not, for exceeding the bag limit when you kill a moose. So, at the end of the day, in explaining what happened to the prosecutor, that this was not a willful act of someone going out on two separate days or two separate times on a given day and intentionally shooting two moose. This was simply someone who, you know, break of dawn, saw a moose out in the field, laid down, shot a shot, and it just so happened that two moose died. That prosecutor decided not to prosecute that case and that's called discretion. Now, the reality is, is that the Department already has that same discretion. The Department, in choosing when people violate the rules, the Department can choose not to impose a penalty and I would submit there is probably times when they have certainly done that. So it seems clear to me, the Legislature, back in 1997, in fact, strengthened the penalties. They strengthened the penalties that the Department could impose for abuse of these cards. That was the determination that they made 15 years ago. So this bill, be very clear, if you are voting in favor of this amendment, you are voting in favor of weakening those penalties. Instead of a person having the discretion of whether or not to impose a 1-year sanction, the violation instead of a 1-year sanction will be a letter in the mail. So let's just say, theoretically, somebody says, "Geez, you know, I'm aware if you just violate this card once, the most that happens to you is you get a letter in the mail." Well, so, I mean, you pick and choose. I am going to pick to choose to maybe take the cash off the card this year because I need some money to go on a trip or maybe to buy item X or item B, and the penalty, you know the penalty. They're going to get a letter in the mail. That's the penalty. This bill fundamentally, substantially reduces the penalty for the abuse of taxpayer dollars on EBT cards. This amendment does that. So let's be very clear about that. In voting for this bill, this amendment, you are reducing, quite frankly, at the worst case scenario, under this amendment, a loss of benefits for no longer than 6 months, that's the worst that can happen to you, versus an enhancement in these penalties back in 1997 so that they actually meant something, and it allowed the Department to use the discretion when they would choose to impose such a penalty. So I would submit to the body today, when you vote on this bill, this amendment to this bill, if you want to lessen those penalties, you want first time offenders who abuse these cards to get a letter in the mail, you should vote for this amendment. But, quite frankly, I think that's the wrong direction, that the people of the State of Maine expect us to be moving on fraud and abuse in welfare in the State of Maine and I ask you to follow my light.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Dion.

Representative **DION**: Mr. Speaker, and I apologize to the members of the House for rising a second time. I have to go on the record. I have no experience with moose, none, whatsoever. That's right, I don't want to look at Representative Weaver. It's unsettling to him. I apologize. You've thrown me off my game now, Representative Weaver. I don't know why I yearn to look at the gentleman, but I do. Nonetheless, in a more serious tone for a moment, I want to make clear to this House that we are throwing about this idea of being found guilty or a penalty or it's too hard, it's too soft, it's too short. You know, I'm sure that my good friend in the corner would also agree that any administrative violation is easier to prove if you are the prosecutor. I'm glad to hear that there's prosecutorial discretion. I'm not sure that we assign such a thing to hearing officers in the DHHS, but I want you to be clear as to who the penalized party is. It's not Frank or Joey or Stevie or Sam who got the 12-pack and the smokes, who got the scratch ticket and jumped in the four-wheeler. He got tagged, he got the paperwork, he's going to show up at the hearing, he'll have some story that none of us are going to buy, he'll be adjudicated as responsible and his kids will go hungry. Thank you.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Hickman.

Representative **HICKMAN**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **HICKMAN**: Thank you. Would it be fair to say then that we have anecdotal evidence, but we don't have any data about how many families have actually used their TANF benefit to post bail?

The SPEAKER: The Representative from Winthrop, Representative Hickman, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: If you look for the answer, I guess all you have to do is look on the spreadsheet with the TANF transactions over a three-year period. There's an address. It's called 570 Maine Street, Westbrook, Maine. That's an ATM inside the Westbrook Police Department.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative MacDonald.

Representative **MacDONALD**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **MacDONALD**: I am not on DHHS, but I've heard that some \$700,000 in investigative money lies unused in DHHS and that more than a dozen investigators have been added to their force over the last couple of years. Are both of those statements true and is it true that despite that money and despite those who have investigative force, still do not have any data on the actual occurrence of fraud in these programs?

The SPEAKER: The Representative from Boothbay, Representative MacDonald, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative **GATTINE**: Mr. Speaker, thank you. I propose to answer the question from the Representative from Boothbay. My understanding is that \$700,000 were appropriated for resources for DHHS for its Fraud Investigation Unit. Since that period of time, there has not been an increase in the number of convictions and in fiscal year 2012, the restitution order, with respect to recipient fraud, was \$104,000. Thank you.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Shaw.

Representative **SHAW**: Thank you very much, Mr. Speaker. Mr. Speaker, Men and Women of the House. I hate to disagree with my good friend from Newport, Representative Fredette, and I know he is an attorney. He's probably better at reading these things than I am. But I made reference to paragraph B in the amendment and it says that the letter, the three months suspension, whatnot, would only be used for these violations: buying tobacco, liquor, gaming, lotteries and bail. All other violations would still revert back to the 1997 penalties under current practices. So if people misuse their benefits in such a way that the good Representative stated, they would be subject to the year, the 2 years and then permanent displacement from the program. It's only if you buy these products that you would fall under this penalty structure. All other misuse would be subject to the 1997 enhanced penalties. I just want to make sure everybody is clear on that. Thank you very much.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-802) to Committee Amendment "A" (H-787). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 631**

**YEA** - Beck, Berry, Briggs, Campbell J, Chenette, Cooper, Dill, Fowle, Graham, Hayes, Hobbins, Jones, Kaenrath, Kumiega, Kusiak, Luchini, MacDonald S, Mason, Mastraccio, McCabe, McLean, Moriarty, Nadeau C, Powers, Saucier, Saxton, Shaw, Short, Stanley, Theriault, Villa, Werts, Mr. Speaker.

**NAY** - Ayotte, Beaudoin, Beaulieu, Beavers, Bennett, Boland, Bolduc, Brooks, Campbell R, Carey, Casavant, Cassidy, Chapman, Chase, Chipman, Clark, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Dickerson, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Grant, Guerin, Hamann, Harlow, Harvell, Herbig, Hickman, Hubbell, Jackson, Johnson P, Jorgensen, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, MacDonald W, Maker, Malaby, Marean, Marks, McClellan, McElwee, McGowan, Monaghan-Derrig, Moonen, Morrison, Nadeau A, Nelson, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Peoples, Peterson, Plante, Pouliot, Priest, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Schneck, Sirocki, Stuckey, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Volk, Wallace, Weaver, Welsh, Willette, Winchenbach, Winsor, Wood.

**ABSENT** - Black, Devin, Goode, Johnson D, Noon, Pringle, Wilson.

Yes, 33; No, 111; Absent, 7; Excused, 0.

33 having voted in the affirmative and 111 voted in the negative, with 7 being absent, and accordingly **House Amendment "A" (H-802) to Committee Amendment "A" (H-787) was NOT ADOPTED.**

Representative **RUSSELL** of Portland **PRESENTED House Amendment "B" (H-803) to Committee Amendment "A" (H-787)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Russell.

Representative **RUSSELL**: Thank you, Mr. Speaker. This is not going to be a speech that wins me friends or influences people, but I do think it's important. Today, we've spent a lot of time interrupting each other. We've spent a lot of time on parliamentary procedure. It's unfortunate, but it's a very real symptom of a set of issues that have become ideological in nature. A lot of our debate today has centered around which side of the aisle can punish TANF recipients more. It's not why I rise today, Mr. Speaker. I rise today frustrated by the ideological debate happening overhead. I rise today, Mr. Speaker, hoping to

present a genuine, constructive, proposal for your consideration. My proposal, the amendment I present to you today, Mr. Speaker, acknowledges and validates the beliefs of countless people across this state, and across the political spectrum, that TANF funds should not be used to purchase alcohol, tobacco or gaming products. I have been reminded that this is a toxic, inappropriate belief for someone who represents a liberal district like I do. I challenge anyone, and I mean anyone, to fight my record of defending working families. I will stand by my record and I stand by this proposal. As many of you know, I have worked behind the counter for years and part of my job was to process EBT transactions. Some of those transactions were for food stamps; other transactions were for TANF benefits. As the cashier, I push, number one, for food stamps and, number two, for "cash," also known as the TANF benefits. Most consumers who use EBT cards know what they can and cannot use their benefits on. In instances where they are wrong, I simply inform them that that doesn't work and ask for an alternative payment method. It's not really a big deal. Now, the occasional BLT confuses people. Food stamps cannot be used to purchase hot food and bacon tends to be hot. The vast majority of people, probably 99 percent, know the rules and they happily abide by them. But I have to tell you that when I was living on \$8 an hour, I was barely making ends meet. Actually, I was drowning. There were days when the Italian I made myself was the only meal I ate that day. So when someone would come up to me to purchase a pack of smokes or a beer on the cash side, the TANF side of their EBT card, I have a visceral response, Mr. Speaker. Did it happen often? No. But did it make my blood boil when it did? Yes. If I feel this way, as the so-called poster child of the progressive movement, so to speak, how do everyday Mainers feel? In my mind, this issue has been way overblown, but the kernel of truth is still a kernel of truth. So retailers are already responsible for managing, at the point of sale, what can and cannot be accepted as a payment method, what can and cannot be sold using an EBT card. This was part of my job every day I worked. I needed to know what I could process on an EBT card and which side of the EBT card, whether it was food stamps or TANF funds. This is not anything new. It's just part of the responsibility of accepting EBT cards and I can say from experience that it's not really that big of a deal. It's not rocket science. So the amendment before you, Mr. Speaker, prohibits retailers from accepting EBT TANF benefits to purchase tobacco, alcohol or gaming products. Now, Albert Einstein didn't like quantum physics because it was too complicated. He believed that the universe was filled with simple solutions and that, generally speaking, the best solutions were the simplest solutions. This is as simple of a solution as it is transformative. Let's just stop the sale at the point of sale. Instead of arguing about who is going to punish people more, let's just have a conversation. "Hey, sorry. I can't accept that form of payment. Do you have another?" Not rocket science or quantum physics. Are people going to be upset that a recipient can walk over to an ATM machine, take out money and buy these products? Sure. If those folks want to chase needles in a haystack, by all means, allow me to get out of the way, Mr. Speaker. This proposal is designed to get to the heart of the issue in the most efficient means possible and also the most respectful. I thoroughly realize that I don't win friends today, but for Mainers across the state who really do want us to work together to find credible solutions, Mr. Speaker, I humbly submit this constructive proposal before you and the Ladies and Gentlemen of the House for consideration. If, however, this debate is entirely designed for campaign mailers and only campaign mailers, then may God

have mercy on us all because we will have failed the people of Maine. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The good Representative from Portland, Representative Russell, takes a fine stab at an attempt to try to resolve a complicated issue. However, while intended, I think the reality of maybe the unintended consequence of this amendment, should it pass, would be to, in fact, to now punish the small business owner who would be taking these benefits, putting the burden on the small business owner of the individual who is working in the corner store and trying to determine whether or not someone is or isn't getting the money from the proper source of funds and making sort of them to become the prosecutor, if they will, whether or not they should allow someone to buy something. So I think however well intended the amendment is, it really attacks the wrong person in the process. Instead of going after the individual who actually is committing the wrong, we actually go and punish and, under this amendment, we would be punishing someone who might be certainly more innocent in letting someone use these funds. So I mean isn't this really about the individual and the prohibitions that they have on what they can do and not putting the responsibility on someone else? Let's put it on the provider. Let's never put it on the individual. You know, I think many of these comments have been accurate from my friends on the other side of the aisle. Most of the people use these benefits in a responsible way. But for those that are violating the law and abusing these benefits, I think we can all reasonably agree there are some people that are not using these benefits appropriately. How does it make sense for us then to now penalize the small business owner, the corner store, for the wrongdoing of these individuals? It doesn't make any sense to me. I understand the simplicity of the amendment and I understand the offer to try to resolve it in a way, but I just think that this punishes the wrong person. I think when we're talking about welfare fraud and the concern that Maine voters have about welfare fraud and abuse, I don't think that they think about the small business owner who has a corner store in Wypitlock and thinking that that person is the wrongdoer. The wrongdoer is the person that is abusing the benefit. That's the person that we should be seeking to find and to have them not do that anymore. That's simply what we're trying to do and I don't think that the amendment here really gets to that. I'd ask you to vote red and follow my light on this amendment. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Freedom, Representative Jones.

Representative **JONES**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. One thing that I think we all agree is that we all have a shared responsibility. That's why we're here. We all have a shared responsibility for making sure that the citizens' money is expended for the purpose for which it was intended. I'll give you a few examples of the kind of shared responsibilities that we do in enforcing certain standards of conduct among our fellow citizens. If I'm a gun dealer and I sell a firearm to a felon, guess what, we're both in trouble. If I'm a drug dealer and I sell drugs to another citizen, guess what, we're both in trouble. If I'm a storeowner and I sell cigarettes to a minor, guess what, we're both in trouble. If I'm a storeowner and I see liquor to a minor, we're both in trouble. Similarly with lottery tickets. We have to realize that there is a responsibility by the provider and the end user. I'm a little disappointed that with the last amendment before us we had an opportunity to ink some level deal with the responsibility of the end user. That said the

current legislation would make it easy to track these transactions, it is easy to implement, we already do this with food stamps, and it would deal with this problem which is probably more effectively as a preventive measure rather than a punitive measure. Mr. Speaker, Men and Women of the House, I would argue that we all share a responsibility for the misuse or for ensuring that public funds are properly expended and that we all share responsibility and that I think this amendment would help us all work together to achieve this goal. Thank you.

Representative McCABE of Skowhegan **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-803) to Committee Amendment "A" (H-787)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This amendment also removes any prohibition and it does put the onus, as the good Representative from Newport said, onto the storeowners. However, we're asking storeowners to enforce something that is not illegal. This is more than just about buying a pack of cigarettes. This is about real issues that are going on here in this state. This is about someone going to the Wonderland Smoke Shop in Warwick, Rhode Island and, within seconds, having two transactions, one right after the other, \$160, \$200, for \$360 total. This is about Joe's Smoke Shop in Portland. Over the last three years, \$55,000 worth of cash transactions in the ATM in that shop. This is about the Maine Smoke Shop. Over the last three years, \$147,000 worth of cash transactions on EBT cards in Maine, over the last three years. In fact, there is one located in Waterville that just on 6/1/2012 had three transactions in less than two minutes, \$200, \$200, \$160, a total of \$560. This is not right. This money needs to be used for families. It does not need to be withdrawn in smoke shops. We need to have the proper tools available for the Department to enforce these kinds of new rules to make sure that this money is not abused in this way. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Carey.

Representative **CAREY**: Thank you, Mr. Speaker. Let's be clear when we talk about restricting the use. Penalties will restrict the use of EBT cards. It's not the wrongdoer, it's the child who doesn't get to eat. There is a lot of conversation in this chamber about data versus anecdote. I think this bill, this amendment, is brilliant in that. It goes to the source of those anecdotes and it will make sure the responsibility is on both parties. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Norridgewock, Representative Dorney.

Representative **DORNEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to support this amendment. We actually had some testimony in the committee that suggested that there were storeowners who were encouraging people to use their cards for these kinds of things and I understand that it was not you could use these cards in various places until July. I actually think that this is a very good idea. Again, there is no punishment for the storeowners, but again, it's an educational piece. So if someone wanted to buy a lottery ticket and gave their EBT card, I think it would be very reasonable for the person to say at the store "I'm sorry, but you can't use that card for this purpose" and that would educate everyone and I think that's a good idea. Thank you.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Russell.

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I've been accused of a lot of things but brilliant is not usually one of them, so I thank the good Representative from Lewiston. I wanted to clarify a few things that I've heard. First, I want to be very clear. I've heard the word "wrongdoer." Under current law, there is no wrongdoer. There is nothing illegal. There is behavior that we may philosophically disagree with. I happen to be one of those people that disagree with that. But it's not illegal. This bill does actually prohibit the sales, so we're getting to that place. Again, under this amendment, there's no need to punish people, whether it's the storeowner or the individual who is making the purchase. I don't know why we always need to talk about punishment as the only way to get the outcome that we're seeking. This makes it a transaction. "Sorry, I can't take that payment method. Do you have a Visa or MasterCard?" The other thing, I'm confused because I keep hearing that we should not punish innocent business owners, but then we hear lists of businesses who seem to be part of the problem, so I'm a little confused about that. This is not about placing blame, it's about clarifying the rules, and to be clear, I heard that this is a huge burden on retailers. That's just not true. I think it's easy to assume that it would be true, but in practice it's just not. The reality is that we already do this with the EBT card. When someone comes to me and says, "I would like to use food stamps to purchase tobacco or a lottery ticket or alcohol," I already have to tell them "I'm sorry, that is not an appropriate use of that service." So we're already doing it with the EBT card. The question is whether or not when I push "1," I can't take that payment, but when I push "3" I can on the same card, so we're already doing this. We're already parsing this out. This isn't rocket science and, again, if folks are truly committed to getting to a middle ground where we can truly address some of the concerns that people have, this proposal is remarkably simple and yet remarkably effective, and if you haven't worked on the other end of the store, if you haven't processed those EBT cards, I can understand why this might seem a little confusing or that it wouldn't work. But if you've actually stood at the counter, it's not that hard, and this is the most practical, I mean practical solution possible and it gets us to a place where we can actually have an outcome. Again, I would say, Mr. Speaker, that if the intention of this debate is about campaigns and election season, then, you know what, vote against this. Seriously, just vote it down and we'll try again another year. But if this is about actually trying to find a pragmatic, rational, non-partisan, non-ideological solution, I would hope that you would follow my light and support this because this is not anything other than a girl who works at a store who processes EBT payments presenting one of the more practical solutions possible so that we can all go home and talk to our constituents about the values that we share, and that should be what the campaign is about, not about punishing people.

The **SPEAKER**: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As the good Representative from Portland said, nothing is illegal, and isn't that the fundamental premise of why we're having this debate, because nothing is illegal? This bill and other bills are an attempt at reforming state government. It's an attempt at reforming our welfare system. The status quo is not something that we need to continue to mud along down the road. If you want the status quo, vote for this bill. If you want the individual not to suffer any violation or penalty for fraud and abuse of these cards, then vote for the status quo and vote for this amendment because this amendment does nothing to the individual. This amendment does not say you the individual are prohibited from doing this. It

says you the member can't take the money. That's a protection of the status quo. Maine citizens are expecting this body to be good stewards of the taxpayer dollars. We need to reform this system. I believe that there is a consensus in this state to reform the system. A bill that puts the onerous upon the storeowner and not the individual is a protection of the status quo. There is no penalty under this amendment and there is no enforcement. This bill is a status quo amendment. It is time for us, as a body, to look at this system in a serious way, recognize that Maine citizens truly do believe that we need to reform our welfare system and take some action. So if you want to maintain the status quo, vote in favor of the good Representative from Portland's amendment. If you want true reform, then vote against it because I believe that there is more that can and should be done. Thank you, Mr. Speaker.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "B" (H-803) to Committee Amendment "A" (H-787). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 632

**YEA** - Beavers, Beck, Berry, Boland, Bulduc, Briggs, Carey, Chenette, Clark, Cooper, Dickerson, Dill, Dion, Dorney, Evangelos, Gilbert, Graham, Grant, Hamann, Hayes, Hubbell, Jones, Kaenrath, Kornfield, Kumiega, Kusiak, MacDonald S, MacDonald W, Mason, Mastraccio, Peterson, Priest, Rankin, Russell, Shaw, Theriault, Volk, Welsh.

**NAY** - Ayotte, Beaudoin, Beaulieu, Bennett, Brooks, Campbell J, Campbell R, Casavant, Cassidy, Chapman, Chase, Chipman, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Doak, Dunphy, Duprey, Espling, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gillway, Guerin, Harlow, Harvell, Herbig, Hickman, Hobbins, Jackson, Johnson P, Jorgensen, Kent, Keschl, Kinney, Knight, Kruger, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, Maker, Malaby, Marean, Marks, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Peoples, Plante, Pouliot, Powers, Reed, Rochelo, Rotundo, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Short, Sirocki, Stanley, Stuckey, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Villa, Wallace, Weaver, Werts, Willette, Winchenbach, Winsor, Wood, Mr. Speaker.

**ABSENT** - Black, Devin, Goode, Johnson D, Noon, Pringle, Wilson.

Yes, 38; No, 106; Absent, 7; Excused, 0.

38 having voted in the affirmative and 106 voted in the negative, with 7 being absent, and accordingly **House Amendment "B" (H-803) to Committee Amendment "A" (H-787) was NOT ADOPTED.**

Representative **FREDETTE** of Newport **PRESENTED House Amendment "C" (H-805) to Committee Amendment "A" (H-787)**, which was **READ** by the Clerk.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "C" (H-805) to Committee Amendment "A" (H-787).**

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This amendment provides real reform for Mainers. It's reform that Mainers expect. It's reform that brings Maine into the 21st century, recognizing that we have a responsibility again to be good stewards of our

taxpayer dollars. In fact, this amendment is a bipartisan amendment. What this amendment does is it brings four ideas together in terms of a global welfare reform proposal. The first component of this amendment requires individuals receiving TANF benefits to do a job search. This is a requirement in 19 or 21 – I can't remember which it is – 19 or 21 other states, including Vermont and New York which are not the most conservative states in the country. This amendment also brings forward a requirement that we cannot use these TANF benefits out of state, and it provides for the prohibitions that we've talked about in this bill, and it also removes the exemptions under the requirement for individuals who are receiving the benefits in a dual income household to be out looking for work. In this particular part of the amendment, Maine is one of those states where we have not done well in that area. It is a federal requirement that 80 percent of your people that are on TANF be out looking for work. Maine is roughly at 15 to 20 percent and we are currently looking at a possible \$13 million penalty from the federal government because of that. So this amendment encompasses elements of real reform all wrapped up into one neat little package. It also incorporates the good Representative Matt Peterson's additional prohibition that these benefits not be used at smoke shops. So, in fact, this amendment incorporates his idea into this amendment. Finally, this amendment also incorporates into it one of the parts which I understand the other side of the aisle had a real challenge with and that is that it also takes out of or does not include the Parents as Scholars program. So two important elements that I've heard from the other side of the aisle that they believe is important in terms of welfare reform proposals. Again, it does away with anything being done to the Parents as Scholars program and it incorporates Representative Peterson's smoke shop idea into as well. So, here, we have it. It's real reform all tied up into one package. It's our opportunity to show the people of Maine that we are willing to lead, it shows the people of Maine that we are willing to take the tough choices, and it shows the people of Maine that we are serious about protecting those that most need these benefits because this is not an attack on the poor. I have, at times, had comments being made about me when talking about these kinds of bills that I am attempting to vilify the poor. Well, let me tell you, Ladies and Gentlemen of the House, I know what it means to be poor. I know what it means to have grown up in Washington County and to be poor. So don't attack me or don't attack Republicans as saying this is an attempt to vilify the poor or that we don't like the poor. These are an attempt to, in fact, help the poor so that we can use the resources that we have, the taxpayer dollars, and get those benefits to the people that need them. If somebody abuses those benefits, even if it's a few, let's not let them continue to abuse the system. Let's let those resources be available to help those that are truly poor and needy. Let's show the people of Maine that we truly are willing to stand up for reform and I ask you to follow my light in supporting this amendment. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "C" (H-805) to Committee Amendment "A" (H-787). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 633**

YEA - Ayotte, Beaulieu, Bennett, Campbell R, Casavant, Cassidy, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Esping, Fitzpatrick, Fowle, Fredette, Gifford, Gillway, Guerin, Harvell, Hayes, Jackson, Johnson P, Keschl, Kinney, Knight, Libby A, Libby N, Lockman, Long, MacDonald S, Maker, Malaby, Marean, Marks, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell,

Pouliot, Reed, Sanderson, Shaw, Short, Sirocki, Theriault, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Winchenbach, Winsor, Wood.

NAY - Beaudoin, Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Frey, Gattine, Gideon, Gilbert, Grant, Hamann, Harlow, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Longstaff, Luchini, MacDonald W, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nelson, Peoples, Peterson, Plante, Priest, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Stanley, Stuckey, Tipping-Spitz, Treat, Welsh, Mr. Speaker.

ABSENT - Black, Devin, Goode, Graham, Johnson D, Kent, McClellan, Nadeau C, Noon, Powers, Pringle, Verow, Villa, Werts, Wilson.

Yes, 63; No, 73; Absent, 15; Excused, 0.

63 having voted in the affirmative and 73 voted in the negative, with 15 being absent, and accordingly **House Amendment "C" (H-805) to Committee Amendment "A" (H-787) was NOT ADOPTED.**

Subsequently, **Committee Amendment "A" (H-787) was ADOPTED.**

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on Bills in the **Second Reading.**

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-787)** and sent for concurrence.

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By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

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Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Amend the Laws Governing the Temporary Assistance for Needy Families Program"

(H.P. 1324) (L.D. 1842)

Signed:

Senators:

CRAVEN of Androscoggin  
LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland  
CASSIDY of Lubec  
DORNEY of Norridgewock  
GATTINE of Westbrook  
PETERSON of Rumford  
STUCKEY of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-790)** on same Bill.

Signed:

Senator:

HAMPER of Oxford

Representatives:

MALABY of Hancock  
McELWEE of Caribou