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Senate Legislative Record  
One Hundred and Twenty-Sixth Legislature

State of Maine

Daily Edition

Second Regular Session  
beginning January 8, 2014

beginning at Page 1544

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** 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

Report "A" - Ought to Pass as Amended by Committee Amendment "A" (H-787) (7 members)

Report "B" - Ought to Pass as Amended by Committee Amendment "B" (H-788) (5 members)

Report "C" - Ought to Pass as Amended by Committee Amendment "C" (H-789) (1 member)

Tabled - April 7, 2014, by Senator **CRAVEN** of Androscoggin

Pending - **ACCEPTANCE OF ANY REPORT**

(In House, April 3, 2014, Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-787) READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-787).**)

(In Senate, April 7, 2014, Reports **READ.**)

Senator **CRAVEN** of Androscoggin moved the Senate **ACCEPT Report "A", OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-787)**, in concurrence.

On motion by Senator **KATZ** of Kennebec, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Craven.

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, this bill, in its original form, calls for the restriction of TANF benefits for certain items: tobacco, alcohol, lottery tickets, gambling, and bail. Recent EBT restrictions are just now going into effect. We passed a bill in the last session that would do that. New federal and state law already bans the use of EBT cards in liquor stores, casinos, and adult entertainment facilities. Implementation of these new restrictions is still underway. If the state does not properly implement these new restrictions we will be subject to federal penalties. The state should be focused on implementing these new EBT restrictions to comply with the law and avoid federal fines. Data does not support a widespread problem. The state should address fraud and misuse where it exists. Time and resources should be allocated proportionately, based on the extent and breadth of the problem. Evidence simply does not support claims of widespread fraud or misuse of EBT cards. DHHS data shows that only three-tenths of one percent of all EBT transactions were improper. Put another way, 99.7% of people are using their benefits as intended. We should learn from

the mistakes of other states. Massachusetts spent a lot of time and resources to impose EBT card restrictions more aggressively with minimal results. After expending a great amount of time and millions of dollars, Massachusetts narrowed potential offenders down to a list of six. Four of these cases have been dismissed. One remains pending and one case has been established, resulting in a claim by the state of \$7.17 for a pack of cigarettes purchased by the individual. Maine should not head down the same road.

The penalty is extreme. Someone could lose their income, support of their family, for a year because they purchased one lottery ticket or a pack of cigarettes. If someone made an improper purchase several times they would lose assistance for a lifetime. The biggest problem with tracking this kind of behavior is the ability, or the lack of ability, to track cash. I could get \$50 from my uncle and go out and buy a pack of cigarettes or a lottery ticket and be accused of spending my TANF dollars for those purchases. I think that that is just absolutely, in this United States of America, not the way to go.

This does nothing to address addiction. There is broad understanding that nicotine and alcohol are extremely addictive. People living in poverty are living under a tremendous amount of stress, yet this type of policy expects them to abstain from purchasing these items, even if they are addicted. Instead of penalizing people for their addictive behaviors we should be focusing on cessation rehabilitation and assist people in overcoming their addictions.

The Governor's proposal would implement these restrictions without a fiscal note, meaning that restrictions would be codified into statute. There would be serious penalties for infractions. The purchases for those items would not be electronically blocked at the point of sale. Enforcement would rely on retailer's understanding and policing of new laws and the people calling the fraud hotline to report any potential violation of the law. Vigilante oversight. People could still take cash out of their ATM to use for these purposes. This would result in an arbitrary and unreliable enforcement. This is an ineffective way to prohibit these types of purchases and will not eliminate the perceived problem. This will not lead to public approval of EBT card use. To the contrary, this will lead to heightened security, scrutiny, and disapproval. This will likely weaken public support for these vitally important programs.

While the original proposal seems reasonable because no one wants TANF dollars being used for these items, it is completely unenforceable. The department can make it clear how benefits are intended to be used through a strong letter to recipients as proposed in the Ought to Pass as Amended Report. Instead of Maine passing a new law to ban the use of EBT cards at certain locations, we should focus on the implementation and enforcement that impacts what this law puts in place.

Only a handful of states have implemented this kind of proposal and those that have are finding it costly and impossible to enforce. After expending a great amount of time and money, Massachusetts narrowed potential offenders down to a list of six. Four of these cases have been dismissed. One remains pending and the only one case that the offense has been established rendered \$7.17. Thank you, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Oxford, Senator Hamper.

Senator **HAMPER**: Thank you Mr. President. Ladies and gentlemen of the Senate, I'll call you attention to the calendar. It is a three-way Ought to Pass Report, a three-way bill here, and I will restrict my remarks to the motion at hand, which is Report "A". To me, Mr. President, it is a toothless tiger that we have in front of us. The amended version of the bill calls for tobacco specialty stores, prohibition of using your EBT card in a tobacco specialty store. Currently, under statute, unauthorized spending of benefits, you cannot do it in a retail establishment where 50% or more of gross sales is derived from the sale of liquor, but we do not restrict the purchase of liquor. You just can't do it there. Gaming facilities is also another one and also retail establishments that provides adult oriented entertainment in which performers disrobe or perform in an unclothed state of entertainment. To that list we are going to add a tobacco specialty store, but with Amendment "A" there is no restriction as far purchasing of tobacco products, only in tobacco stores. If you remember from a bill that I had in here last year, there are about 60 tobacco specialty stores. How many other establishments sell tobacco? You could go ahead and buy tobacco because there is no prohibition.

Another portion of Amendment "A" is a data collection portion and instructing the department to collect as much data as possible on the use of Temporary Assistance for Needy Families program benefits to pay for tobacco products, liquor products, gaming, gambling activities, lottery, and bail, and so on. The problems is, yes, the department can track the location as to where the card has been used, but it cannot track, it doesn't have the capability to get down to exactly what was purchased. My goodness, I can go to a [Lewiston Sun Journal](#) article. I could send every one of you a link where you can look at your own town and see where the bulk of your EBT transactions have been made. That's already available to us. The department does not have the technology or the resources to get us down into point-of-sale exactly as to what products have been purchased.

Acceptance of Report "A", a toothless tiger, I'll say it again. Thank you, Mr. President.

**THE PRESIDENT**: The Chair recognizes the Senator from Kennebec, Senator Lachowicz.

Senator **LACHOWICZ**: Thank you Mr. President. Men and women of the Senate, what I'm going to say aloud is the phrase "tracking cash" because that's what this bill is basically about. This bill says that we don't want people who are on TANF to be able to buy cigarettes, alcohol, fake or otherwise, or use it for strip clubs or bail, which a lot of people would agree with. Heck, I think that's probably a poor use of your money, particularly when you don't have a lot. The only problem is: how do you track cash? How do you know, what's in your pocket, where it came from? I'm a welfare mom and I go into the store and I buy a six-pack of beer; how do you know where that money came from? The fact is you don't. It may have been my birthday. Someone may have given me that money. Someone may have owed me money and paid me back. That's what this comes down to. In fact, at the public hearing for this bill, the department acknowledged they had no way to track cash. The federal government, itself, has struggled with this problem. How do you track cash? By federal law, TANF is a cash benefit, and yet once it becomes cash and not on an EBT card, or as it used to be on a check, it becomes something that you have no control over. That's essentially the problem in this. You could spend money at a strict point-of-sale,

but then you'd still get back to the problem of cash. I've heard people say, "Well, maybe we shouldn't give people cash at all," and I'd say, "Well, what if you need to do your laundry at the laundromat because you don't make enough to have your own washer and dryer? What if your kid just wants to buy a book at the book sale at school like every other kid and they don't want to stand out like a poor kid? That's what we're talking about. People need access to cash, however much you may not like it. That's the facts. I'm kind of at my wit's end as far as how do you do that. How do you enforce this, something the department acknowledges itself that is essentially unenforceable? The federal government has said the same thing. I'm left with maybe this is something that isn't really based on the facts at all. Maybe it's based on just what makes people feel good. The fact of the matter is you can't track cash. You can't enforce something that the department has said is unenforceable. I would encourage people to accept the Majority Report. Thank you very much.

**THE PRESIDENT**: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator **KATZ**: Thank you Mr. President. Men and women of the Senate, I rise in opposition to the pending motion. Sometimes I think the public must wonder what we do in this building. I think, if this amendment should pass, this would be one of those times. TANF, Temporary Assistance to Needy Families, I think we can all agree that that money is intended for rent, clothing, heating, food, and other legitimate necessities of life that people are legitimately struggling to meet. I think we can also agree that that money should not be used for tobacco, alcohol, chips at a casino, buying a lottery ticket, or posting bail. If we don't want people to use that money, that taxpayer money, for those things then let's say so and let's say it is a violation of TANF rules in the state of Maine to spend money on those things. Do people agree with that concept? If they do I respectfully suggest they should vote against the pending amendment. Yes, there are enforcement problems. I think we can agree that most people who may violate this with cash won't get caught, but there is nothing wrong with stating the intention of the program and saying, "You shall not use this money for things which don't benefit you and your children." It's a little bit like the speeding laws. Speeding laws are there not because we expect to catch all speeders or most speeders or even a high percentage of speeders. It's there for a deterrent, to say to us, "You know what? You shouldn't be doing this and if you do get caught there will be significant consequences." To me, this is a simple statement of good intention. We're not talking about discretionary money here. We're talking about taxpayer money and an insistence that that taxpayer money be spent for the necessities of life and not things like tobacco and alcohol. Thank you, Mr. President.

**THE PRESIDENT**: The pending question before the Senate is the motion by the Senator from Androskoggin, Senator Craven to Accept Report "A", Ought to Pass as Amended by Committee Amendment "A" (H-787), in concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#553)**

**YEAS:** Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, GERZOFOSKY, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, LACHOWICZ, MAZUREK, MILLETT, PATRICK, TUTTLE, VALENTINO, VITELLI, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

**NAYS:** Senators: BURNS, COLLINS, CUSHING, FLOOD, HAMPER, KATZ, LANGLEY, MASON, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, WHITTEMORE, YOUNGBLOOD

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **CRAVEN** of Androscoggin to **ACCEPT** Report "A", **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-787)**, in concurrence, **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (H-787) **READ**.

On motion by Senator **PATRICK** of Oxford, Senate Amendment "A" (S-505) to Committee Amendment "A" (H-787) **READ**.

On motion by Senator **KATZ** of Kennebec, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

**THE PRESIDENT:** The Chair recognizes the Senator from Oxford, Senator Patrick.

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I decided to put this amendment in on behalf of my constituents who said that we probably didn't quite go far enough. We didn't do enough. Do I 100% have in my heart to go further than what we did? I don't think so, but those people that are out there, many of the people that I was talking to out there, says we've got to do a little bit more than what this Committee Amendment did. I'm in the firm belief that this amendment doesn't go too far, as I think it's Amendment "B" or "C" goes, but this is actually showing that we have heard and we are willing to go a little bit further, that we hear the people and that we understand and that I'm willing to take that extra step. I also understand that for those that need our help we're not going to kick them through the goal post of life because we are a compassionate people here in Maine and that we must continue to look at ways and find ways where we can make changes but not go too far too fast. I think, realistically, if we go too far too fast, we'll never be able to come back because I don't want to throw the baby out with the bath water. I want to make sure that we do the right thing at the right time and I think this amendment actually is the right thing at the right time without going too far. Thank you, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Oxford, Senator Hamper.

Senator **HAMPER:** Thank you Mr. President. Ladies and gentlemen of the Senate, I do appreciate my colleague from

Oxford going a little bit further. I appreciate the fact that we do have tobacco products, a prohibition on tobacco products, liquor, imitation liquor, gambling activities, lotteries, and bail. The problem lies in the next section of the amendment, 11B. That is where the first offense comes in. When one is going through the TANF orientation, there is a form that gets filled out and it's for TANF or PAS, which is Parents as Scholars, and this form is also used for MaineCare applications. Two pages and both of them are printed on both sides. There is a yellow copy and a white copy. On the back of what would be the last page having to do with sanctions, I'll read it. "When an individual on purpose breaks the rules listed below," which I'll go down to the rules since that's in question right now, "breaks the rules listed below." The rules, and this is in bold and it's bordered and it's brought about to call attention to it. "The rules; do not lie or hide anything to get or continue to get benefits. Do not trade or sell your FSP," which is Food Supplement Program, food stamps, "Do not use someone else's food stamps. Do not use food stamps benefits to buy ineligible items such as alcoholic drinks and tobacco." Okay, go back to the first line. "When an individual on purpose breaks the rules listed below they will be disqualified from TANF, Parents as Scholars, and Food Supplement Program this way: one year for the first offense, two years for the second offense, and permanently for the third offense." Two years for the first offense and permanently for the second offense for trading your benefits for drugs. Two years for drugs. Forever for a conviction of trafficking your benefits of \$500 or more. Forever for the first offense of trading your benefits for firearms, ammunition, and explosives. Ten years for finding a fraudulent representation of your identity to receive additional benefits. I'm going to be throwing in a different of enforcement by this. We'll have two different levels of offenses within the program.

Secondly, in the amendment, in section 5, the Department of Health and Human Services shall develop an educational program for recipients of benefits under TANF and telling recipients what they can and cannot do. I have in my hand What is TANF? Temporary Assistance for Needy Families. It's provided by the Office of Family Independence. It is something for anybody that is applying for TANF, goes to the TANF orientation, which I did last fall, sat through an orientation plus an application process. In that, on page 6, "TANF should be used to pay a reasonable amount of basic living expenses." This is part of their education. Basic living expenses like shelter, utilities, transportation, clothing, personal hygiene, household maintenance, employment or school related items, or other necessary essential items. Continuing the education, "State law prohibits the use of your EBT card in any cash transaction in a retail store where 50% or more," this is the liquor, the gaming, and the adult entertainment. Last page, "Your EBT card or cash assistance benefits shall not be used to purchase lottery tickets, gamble, alcohol, cigarettes, tobacco." Shall not, different from state prohibiting. At any rate, when you go through the application process, you go through the orientation, the department goes through this with you. Also, at that time of application and through the orientation process, you wind up with a family contract. The family contract, in that process, you get educated as to where your benefits are or are not to be used. That is signed. You're acknowledging the fact that you've gone through that and on an annual basis you are educated. Every year you get the education portion again. Do I think the department has an education program already established? Yes,

I do. Section 5, unnecessary. Already doing it. That seems to be a theme of what I say today.

Also section 6 of the amendment, collect information on the cost and impact of implementing and enforcing the prohibition set forth. Almost seems like closing the barn door after the horse is out.

I appreciate my colleague from Oxford putting in the prohibitions, but I just simply cannot support an amendment like this where I've got a second degree of enforcement, penalties, and sanctions. Thank you, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Androskoggin, Senator Craven.

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, I also appreciate my seatmate's efforts to curtail any kind of misuse of public dollars that could possibly happen and I support that, as we all support that, but I will say that messaging by some in this society has vilified the poor. They've gone beyond the pale and this bill assumes that all poor people are criminals. There is a war on the poor in this country and on kids. Every kid in this country, there is one in every five children in this country that live in poverty. TANF is a child-focused benefit. You can't have TANF unless you have children. I just wanted to say that on record. Thank you, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, to try to make sure that taxpayer funded dollars are used for the very appropriate purposes for which they are intended cannot be a war on the poor. In fact, quite the opposite because to the extent that these benefits are misused, and the public confidence is lost in the programs, the ultimate victims of that are the poor. I appreciate the efforts of the good Senator from Oxford to try to amend this bill and find things with which I can agree, but the problem is, as the good Senator from Oxford said, Senator Hamper, with the penalty provisions. These violations, by the way, do not make criminals out of anyone. There is no criminal penalties associated with any of this, but the current law says that an intentional knowing violation of the TANF rules results in someone losing their adult benefits, not the kid's benefits, only the adult benefits, for a year. Second offense, two years. Third offense permanent. It's not a crime. By the way, that isn't made by some bureaucrat who has unfettered discretion. That decision is subject to incredible rights of due process. Someone doesn't like the decision, they have a hearing. They don't like the results of the hearing, they can appeal to the commission. They don't like the results of the commissioner's decision, they can appeal to the Superior Court. They don't like that, they can appeal to the Law Court. There are all sorts of protections built in to make sure that only those people who are really, truly knowingly violating the law will suffer the consequences. Dumbing down the penalties, which I think this does, I don't think sends a great message, given all the due process rights which are available. To say that the penalty for knowingly violating the law is to be told "Don't do it," which is essentially what this amendment provides, really isn't a penalty at all. I would respectfully suggest that, despite the good efforts from the Senator from Oxford, that the amendment is almost in conflict with the title of the bill. The bill is "An Act to Increase Integrity in the TANF Program." I think that if we reduce

penalties to the point where they don't mean anything we are decreasing the integrity of the TANF program. Thank you, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Lincoln, Senator Johnson.

Senator **JOHNSON:** Thank you Mr. President. I want to talk for a moment about what the families are like that are receiving this benefit and then I want to respond to a few things that have been said here. It's already been stated that this is a benefit to help children. In fact, this is really only going to be provided to families who have children and those children have lost the support of one or more of the parents due to circumstances, whether it's disability, it's a broken home, and, for a quarter of the people involved in this, escaping domestic violence. These are young kids. They are very dependent on the parent's benefit, not just the children's part of the benefit because they have to have a roof over their heads, they have to have a parent that help them go get the groceries, can get to their job because many of the people in this program are also working, but they are the working poor and the average was for working respondents was \$8.36 in a survey in 2010. Kind of hard to raise a couple of kids on that sort of pay. In fact, my wife and I are trying hard to fill in on some of the daycare and other things to help one of our daughters, both parents working, to make ends meet with one child. That's why I think that what was referred to as dumbing down does make this an attack on poor children and families because the real intent of this program, as was suggested, is to help the children and misuse of funds is a problem that needs to be corrected, but if the way you correct it is by taking away the benefit entirely you're not using it for what it was intended. You're punishing the children for the failings of the parent. That doesn't make the program more effective. That doesn't deal with the integrity of a program meant to help young children and their families get by. Frankly, I think if first offense is a warning and education, to me, that education means you sit down with them and you go through what they stand to lose, what their budget looks like, what they shouldn't be spending it on that they were already told about, why that's so important, and what's at stake. If you're willing to consider the integrity of the program being maintained by simply cutting off people because their parents suffer with the same difficulties many of you do, stopping their smoking habit, their addiction to nicotine, that's all it would take. It doesn't help those kids get by. In fact, it means that we're going to have more trouble with the homeless family, with the family that has far less than what they need to be prepared for school, to do well in education, to get out and have a decent future, and provide for their family. If you're worried about breaking the cycle for that .3% of people that are trying to use the system inappropriately you fix it by teaching them better. You put them on the right track. If you're worried about the integrity of this program you won't think that a first offense, taking them off for a year, and that loss of income for that parent is going to do that child any good because, frankly, it's not. A parent's that without that benefit for that year, well I don't know what you're expecting to teach them about using public funds better but I can tell you that they're going to be relying on every other form of support just trying to keep a roof over their heads. This is a matter of a war on the poor because there are lots of other people who break rules too. If you're at the high end of income in this country you don't suffer the sorts of consequences. I still remember the day in the previous session when we passed

a law to make it not illegal for somebody to withdraw from Tree Growth Protection, property that was fraudulently placed in that. While we're talking about prohibited uses it might be a good idea that you have some compassion for the poor people, for the young kids. The average age of the kids in these families is 2 years old. They are not going to go out and look out for themselves. They've not going to go find work, not at 2 years old. You might think about how to get those parents who aren't perfect, none of us are, on the right path again instead. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator Cushing.

Senator **CUSHING:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise today in opposition to the pending motion. I do so listening to the many comments that were made here on both sides. I respect the intentions of those who have brought this measure forward and believe that many of the people who have spoken, Mr. President, truly believe in the things that they have espoused here. There have been a lot of noble comments about what this program does, but there are some fundamentals we forget. One of those, Mr. President, is that if we encourage certain habits they will continue and grow. I can remember as a young man out of high school and college working in a grocery store where people were continually frustrated when coming home after work, and trying to take home a meal for their families, they stood in line behind people who many times had better quality groceries in their cart, had items that they couldn't afford to take home to their families, and used government funded benefits to pay for those and then took them out, many times, and placed them in vehicles better than the individuals who were working. I think what we're talking about here is finally recognizing that many people who use these benefits are appreciative and try very hard to stretch that money for their families, but it's become clear in our culture that there are other people who don't have that same respect. The benefits that they are provided from the hard paying taxpayers end up in some very unfortunate places. In the first three months of this over 90 of these EBT cards were confiscated at the Androscoggin County Jail. Consistently we hear from law enforcement. I was at an event this weekend and spoke to members of law enforcement who, because of the nature of this being in the news, expressed their frustration in going into situations where they are making arrests and finding EBT cards in multiple quantities there.

The benefits we are talking about are not meant to be taken away from children. Yes, there will be children that may suffer because of the consequences of people who misuse some of those benefits, but, as I understand this legislation in its original form, it would penalize the adult who had broken the law. The portion that went to the other family members would not have been denied. What we're talking about, really, in this amendment, while well-intentioned and I have respect for my colleague from Oxford who brings this forward, I have appreciated his passion for many issues, but what we're talking about is a letter, Mr. President. Instead of a consequence we're talking about once again giving a piece of paper to someone who has indicated a willingness to avoid the signed contract that they made in getting these benefits. There are more consequences in their life if they are late getting a movie back or they decide to cancel their cell phone or their cable bill, many of which are paid for with our tax dollars, in some cases inappropriately. The point,

Mr. President, is if we are going to encourage people who are now becoming more comfortable on government assistance, this again is not the vast majority of these people, but if we're going to send a message that the people who deserve this should be protected, the safety net needs to be kept strong, than we need to be more consistent in our policies and not continue to just paper over the problems. Thank you, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Oxford, Senator Patrick.

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I rise once again just to talk about why this issue is important to me. I look at it from the stand point of the public perception versus reality. It brings me back, when I listen to a lot of people out in the general public, there was a movie Network News and the punchline was, "I'm mad as heck and I'm not going to take it anymore." I think through the economy that we have going here in America and the downward mobilization of the American economy where I, who work in a paper mill, have good wages but my wages have been going down for the last ten years, understand that my dollar doesn't go any further, so those that are less fortunate than I, that may make \$10, \$12, \$15 an hour, they're taking it on the chin even worse than I am. I always bring up the book, Take the Rich Off Welfare. Why? Because what are talking here with these benefits and these welfare bills that are coming forward, we're looking at, lately, the state has 37 individuals that were sentenced to jail for up to a year and returned \$489,000. That's a good thing. They went after fraud. I actually supported the bill that cost the taxpayers, I think, around \$800,000 or \$850,000 to put eight more fraud investigators out on the streets to go after these people. Then you take a look at the state has prosecuted 48 corporations and recovered \$55 million. The perception of the general public is, because we see people at the grocery stores and we see people at the Mom and Pop stores, but I don't think in reality that if those that are working, we're in their shoes, would they pass judgment the way we tend to do. I don't think so because my wife asked me just last night, "John, you've never complained about paying taxes. You've never complained about people on welfare." It's because my Christian ability tells me that I'm not going to be judgmental. That doesn't mean that I have to cast a blind eye, but I've got to take a look at the circumstances and say, "What is the general good?" This amendment here does a little bit more and it does err on the education factor because I'm a firm believer that we want to change those behaviors if, in fact, those behaviors are happening. It doesn't seem like out of a 130,000 people in the state of Maine that are getting benefits that 37 of them were charged and paid the penalty. Then again 48 corporations paying \$55 million. Maybe I'm all wet, ladies and gentlemen, but I want to make sure that I say to those people that asks if am I willing to listen that I'm willing to listen but I also have told them, with a compassionate heart, I'm not going to go and put a hammer on something that I don't really think needs it; but can we change the perception? We've changed the perception to Maine Open for Business, to the worst job creation in the state of Maine. Are we going to do the same thing where all we're going to do is talk about the negative aspects of welfare when, in fact, the statistics show that it's not the small dollar individuals, it's actually the big corporations that are pillaging our welfare system? I will err on the side of the small, Mr. President. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Waldo, Senator Thibodeau.

Senator **THIBODEAU:** Thank you Mr. President. Ladies and gentlemen of the Senate, I believe that every person in this Chamber wants to make sure that we have a welfare program to take care of Maine's most needy, but by defrauding the system that puts all of those who need the system in jeopardy. Ladies and gentlemen, folks back home realize it's time for comprehensive welfare reform. We know it. We've been to the coffee shops. We've been to the restaurants. To a person, people recognize it's time for this Body to take action and to do something. By putting in penalties that are weaker than what is currently in rule, putting that into statute, weaker penalties, is an absolute affront to the hard working Mainers that are caught paying the bill. We ought to be ashamed of ourselves for taking such action. The folks back home are demanding more than this. They should anticipate that we'd be looking out for their best interests. The taxpayer is on the hook and they expect action. Thank you, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Kennebec, Senator Lachowicz.

Senator **LACHOWICZ:** Thank you Mr. President. I just wanted to point out to people that, yes, the TANF benefit often is split up for both parents and children. Actually it's split up, whoever is the custodial parent, the custodial caregiver, gets a portion of that. There are some grandparents who have custody of their children. I actually work with one. She doesn't get the TANF benefit, but the child does. What if she gets caught buying beer or a pack of cigarettes? She's actually not the one getting the benefit. The child is. I think there's lots of things to be worked out with this and when I spoke earlier about the administration of programs these are the things I'm talking about. They are kind of sticky details. It kind of sometimes may seem like you're getting into the weeds, but that's how you administer healthcare and social programs. You have to consider things like this. Thank you very much.

**THE PRESIDENT:** The Chair recognizes the Senator from Washington, Senator Burns.

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen of the Senate, there have been some interesting arguments that I've heard this afternoon. Some make sense and some of them don't make any sense at all to me. I think some of the sensational things that I've heard said here this afternoon are nothing more than an attempt to pull at people's heartstrings and maybe paint this picture the wrong way. I think it's a very simple set of circumstances that we have in front of us, Mr. President. I guess I'd like somebody to explain how a parent going out and buying tobacco, buying liquor, buying cigarettes, gambling, buying lottery tickets, and, yes, even paying the bail is going to help some child. Somebody has to explain that to me, Mr. President, because it doesn't make sense. You can use anecdotal all you want to talk about that individual case where somebody made a mistake and went and did something they weren't supposed to, but we know, and we heard from the good Senator from Oxford, Senator Hamper, they already know the rules. I would submit to you they know the rules much better than any of us in this

Chamber. Sending a letter is not going to make one bit of difference to those that are out to beat the system. Those that are trying to do it right and try to provide for their families, which is what we're all here to protect, know the rules and they'll follow the rules. It's the ones that aren't following the rules we should be concerned about. If we don't take this seriously there isn't going to be enough money to go around. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Aroostook, Senator Jackson.

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, taken into account the last bill, there does seem to be a war on the poor because that certainly was going to look at fraud in all its forms and some people didn't think that that was appropriate, but I do think that in this Body and in this Legislature there are some people that, unless you're willing to put a scarlet letter "W" on them so that every time they come into the store people can look at them and say, "Look, there's a welfare person, let's make sure that we watch them, make sure that they don't do anything wrong." There seems to be certainly a lot of people that are willing to do that. You know the thing is, it's funny, the indignation that you hear in here about the people that are on General Assistance and welfare doesn't seem to see that same indignation for corporate welfare. I mean, as Senator Johnson brought up, we've talked about Tree Growth in this Body. We won't put any restrictions on that. We've talked about call centers just this morning, not putting any restrictions on people taking our hard earned tax dollars, which is much more. Last week we had a bill that went after people off-shoring money out of Maine.

Senator **CUSHING:** Point of Order.

**THE PRESIDENT:** The Chair would ask what the question the Senator has.

Senator **CUSHING:** Thank you Mr. President. Are we remaining on the topic before us?

**THE PRESIDENT:** The Chair would advise the entire Body that the bill in front of us is L.D. 1822 and we are talking about Senate Amendment "A". The Senator may proceed.

Senator **JACKSON:** Thank you Mr. President. That makes my point right there. Some people don't want welfare, all welfare in particular. They just want to talk about the types. We're talking about welfare.

Senator **CUSHING:** Point of Order.

**THE PRESIDENT:** The Chair would ask why the Senator from Penobscot rises?

Senator **CUSHING:** Thank you Mr. President. The motives of a member of this Body are being questioned.

**THE PRESIDENT:** The Chair would advise that the Senator from Aroostook, Senator Jackson, is talking about welfare. The amendment in front of us is talking about welfare. The Senator may proceed.

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Senate at Ease.

Senate called to order by the President.

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**THE PRESIDENT:** The Chair recognizes the Senator from Aroostook, Senator Jackson.

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I guess to make a long story short, because I don't want to upset anyone, today Senate Democrats, just like they've done with corporate welfare, have put forward something to make it illegal for anyone to abuse the system. I am shocked that some people will say, "Well, your penalties aren't enough," because, as they are now, there's nothing as a penalty. Today we are not ashamed to put forward an amendment from the Senator from Oxford that makes what you are talking about illegal and that's where we are again, just like we have done consistently with corporate welfare, which is worse, much worse, in this state.

**THE PRESIDENT:** The Chair recognizes the Senator from Lincoln, Senator Johnson.

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen, I want to respond to a few things that have been said. First of all, this is not a bill, this amendment is not one which would encourage poor use of public assistance dollars. If that's what we were doing with this amendment we would be saying first offense give them a warning, second offense give them a warning, third offense give them a warning, or we would be saying what the law does now, which has no consequence. What this is saying, however, and I go back to my earlier point, is that while you want your public assistance dollars to be used wisely and you want them to be used to help children meet their needs, it shouldn't be a case where the first response to somebody being human, being imperfect, in how they're making those decisions, that small number of people, .3% of the people who get this benefit, making a bad decision, the first thing you do is cut off their benefits. I know that some people have said, "Well, that's only the parent's benefit." Who do you think puts the roof over the head of the children? This is not a matter of small consequence. When you get stopped for speeding frequently the first response is to encourage you back on the right path, you get a warning from an officer or you get a small fine. The first thing that they do is not take your license away, unless it's an awfully serious offense. It wouldn't be just a simple case of speeding. We're not talking about people here who are going out and fraudulently applying for this benefit; not people who are hiding their income in order to qualify or something of that sort. We're talking here about people simply making poor decisions on what they're spending the public assistance dollars on that don't, as we would want, benefit the children the way they should. It shouldn't happen. We need to do something about it, but if you actually care about whether you're doing the child good you don't fix it by just taking that good entirely away. You encourage with progressive consequences, starting with not just a letter, as has been said, but a warning that includes an explanation, both orally and in writing, of the purposes of the TANF program and a clear

delineation of those items which TANF benefits may not be expended. That's what it says in the amendment. That's more than a letter. The penalties go on from there. This is not a case of ignoring, condoning, or allowing those inappropriate uses. As someone who cares about how we treat people and whether we live up to the Christian ideals that we espouse, one that doesn't cast out the children from having a place to live because you cut the benefits to the parent that was covering the rent. It works to bring the parent back on the right path instead. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Oxford, Senator Patrick to Adopt Senate Amendment "A" (S-505) to Committee Amendment "A" (H-787). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#554)**

**YEAS:** Senators: BOYLE, CAIN, CLEVELAND, DUTREMBLE, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, LACHOWICZ, MAZUREK, MILLETT, PATRICK, TUTTLE, VALENTINO, VITELLI, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

**NAYS:** Senators: BURNS, COLLINS, CRAVEN, CUSHING, FLOOD, GERZOFKY, HAMPER, KATZ, LANGLEY, MASON, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, WHITTEMORE, YOUNGBLOOD

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **PATRICK** of Oxford to **ADOPT** Senate Amendment "A" (S-505) to Committee Amendment "A" (H-787), **PREVAILED**.

Committee Amendment "A" (H-787) as Amended by Senate Amendment "A" (S-505) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-787) AS AMENDED BY SENATE AMENDMENT "A" (S-505)** thereto, in **NON-CONCURRENCE**.

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The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Reduce Abuse of the Temporary Assistance for Needy Families Program through Restriction of Electronic Benefits Transfers"  
H.P. 1309 L.D. 1820

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-792)** (8 members)