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Date: (Filing No. H-)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
SECOND REGULAR SESSION

HOUSE AMENDMENT “ ” to COMMITTEE AMENDMENT “A” to H.P. 1312, L.D. 1822, Bill, “An Act To Increase Integrity in the Temporary Assistance for Needy Families Program through Restriction of Expenditures ”

Amend the amendment in the first indented paragraph in the first 2 lines (page 1, lines 12 and 13 in amendment) by striking out the following: "striking out everything after the enacting clause and before the summary and inserting" and inserting the following: 'inserting before section 1'

Amend the amendment by inserting after section 3 the following:

'Amend the bill in section 1 by striking out all of subsection 11 (page 1, lines 3 to 11 in L.D.) and inserting the following:

11. Prohibited expenditures. The expenditure of TANF benefits is governed by this subsection.

A. TANF benefits may not be expended on:

- (1) Tobacco products, as defined in Title 22, section 1551, subsection 3;
- (2) Imitation liquor and liquor, as defined in Title 28-A, section 2, subsections 13 and 16, respectively;
- (3) Gambling activity, as defined in Title 8, section 1001, subsection 15;
- (4) Lotteries conducted by the State pursuant to Title 8, chapter 14-A or the Tri-State Lotto Commission pursuant to Title 8, chapter 16; or
- (5) Bail, as defined in Title 15, section 1003, subsection 1.

B. 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:

- (1) For a first offense, 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 for which TANF benefits may not be expended;

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1 (2) For a 2nd offense, a period of disqualification for benefits that does not
2 exceed 3 months; and

3 (3) For a 3rd and subsequent offense, a period of disqualification for benefits that
4 does not exceed 6 months.

5 The department may disqualify an eligible recipient only after notice and opportunity
6 for a hearing pursuant to rules adopted by the department.'

7 Amend the bill by inserting after section 1 the following:'

8 Amend the amendment in section 4 in subsection 3 in the last line (page 2, line 4 in
9 amendment) by inserting after the following: "section 23" the following: 'and section
10 3763, subsection 11'

11 Amend the amendment by striking out all of section 5 (page 2, lines 5 to 12 in
12 amendment) and inserting the following:

13 **'Sec. 5. Department of Health and Human Services to collect information**
14 **on purchases of certain items.** The Department of Health and Human Services shall
15 collect information on the costs and impact of implementing and enforcing the
16 prohibitions set forth in the Maine Revised Statutes, Title 22, section 3763, subsection 11,
17 including the:

- 18 1. Administrative costs of implementation and costs of enforcing the prohibitions;
19 2. Number of recipients who have been finally determined by the department to have
20 violated the prohibitions;
21 3. Status of and final adjudication of any judicial appeals of determinations by the
22 department;
23 4. Number of individuals who have been penalized under Title 22, section 3763,
24 subsection 11, paragraph B, segregated by the categories of penalty described in that
25 paragraph; and
26 5. Dollar amount of any funds recovered as a result of enforcement of penalties
27 described in Title 22, section 3763, subsection 11, paragraph B.

28 The Department of Health and Human Services shall report this information, along
29 with recommendations and any suggested legislation, to the joint standing committee of
30 the Legislature having jurisdiction over health and human services matters no later than
31 March 15, 2015.

32 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
33 section number to read consecutively.'

34 Amend the amendment by relettering or renumbering any nonconsecutive Part letter
35 or section number to read consecutively.

36 **SUMMARY**

37 This amendment restores the provisions of the bill that prohibit benefits under the
38 Temporary Assistance for Needy Families program from being expended on tobacco,

1 imitation liquor, liquor, gambling, lotteries or bail. In addition, the Department of Health
2 and Human Services is directed to collect information on the cost and impact of
3 implementing and enforcing the restrictions on the use of Temporary Assistance for
4 Needy Families program benefits for tobacco and liquor products, gambling activities,
5 lotteries and bail. The department is required to report its findings, including
6 recommendations and suggested legislation, to the joint standing committee of the
7 Legislature having jurisdiction over health and human services matters no later than
8 March 15, 2015.

9 **FISCAL NOTE REQUIRED**

10 (See attached)

11 SPONSORED BY: _____

12 (Representative MCCABE)

13 TOWN: Skowhegan