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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 by striking out all of sections 1 to 5 and inserting the following:

Sec. 1. 22 MRSA §23, sub-§1, ¶B, as corrected by RR 2011, c. 2, §23, is amended to read:

B. A gambling facility, as defined in Title 8, section 1001, subsection 16, except that use of the electronic benefits transfer system is permitted in any portion of the premises of a gambling facility that is set aside separately for the sale primarily of staple foods as defined in 7 United States Code, Section 2012(r); ~~or~~

Sec. 2. 22 MRSA §23, sub-§1, ¶C, as enacted by PL 2011, c. 687, §4, is amended to read:

C. A retail establishment that provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment-; or

Sec. 3. 22 MRSA §23, sub-§1, ¶D is enacted to read:

D. A tobacco specialty store, as defined in section 1541, subsection 7.

Sec. 4. 22 MRSA §3763, sub-§§11 and 12 are enacted to read:

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

A. TANF benefits may not be expended on, and retailers and vendors may not accept TANF benefits through electronic benefits transfer system debit cards for:

- (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;

HOUSE AMENDMENT

1 (4) Lotteries conducted by the State pursuant to Title 8, chapter 14-A or the Tri-
2 State Lotto Commission pursuant to Title 8, chapter 16; or

3 (5) Bail, as defined in Title 15, section 1003, subsection 1.

4 **12. Required agreement.** A recipient of TANF benefits shall enter into an
5 agreement with a representative of the department that the recipient agrees not to expend
6 TANF benefits in violation of subsection 11.

7 **Sec. 5. Department of Health and Human Services to educate recipients**
8 **of the Temporary Assistance for Needy Families program.** The Department of
9 Health and Human Services shall develop an education program for recipients of benefits
10 under the Temporary Assistance for Needy Families program, referred to in this section
11 as "TANF," that emphasizes that those benefits under TANF are to be used for supporting
12 dependent children. The program must educate TANF recipients regarding the agreement
13 entered into by the recipient pursuant to the Maine Revised Statutes, Title 22, section
14 3763, subsection 12, including but not limited to:

- 15 1. Appropriate, approved and specific uses of TANF benefits;
- 16 2. Refraining from using the electronic benefits transfer system to pay for tobacco
17 products, liquor products, gambling activities, lotteries or bail, including refraining from
18 using the electronic benefits transfer system at automated teller machines to withdraw
19 TANF benefits as cash, which is then used to pay for those products or activities; and
- 20 3. The prohibition on using the electronic benefits transfer system for transactions
21 for unauthorized spending pursuant to the Maine Revised Statutes, Title 22, section 23
22 and section 3763, subsection 11.

23 **Sec. 6. Department of Health and Human Services to collect information**
24 **on purchases of certain items.** The Department of Health and Human Services shall
25 collect information on the costs and impact of implementing and enforcing the
26 prohibitions set forth in the Maine Revised Statutes, Title 22, section 3763, subsection 11,
27 including the:

- 28 1. Administrative costs of implementation and costs of enforcing the prohibitions;
- 29 2. Number of recipients who have been finally determined by the department to have
30 violated the prohibitions;
- 31 3. Status of and final adjudication of any judicial appeals of determinations by the
32 department;
- 33 4. Number of individuals who have been penalized for violating Title 22, section
34 3763, subsection 11; and
- 35 5. Dollar amount of any funds recovered as a result of enforcement of the
36 prohibitions established in Title 22, section 3763, subsection 11.

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

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SUMMARY

This amendment incorporates the substance of Senate Amendment "A" to Committee Amendment "A," except that it removes the penalties established in that amendment and it removes references to those penalties.

SPONSORED BY: _____
(Representative FREDETTE)
TOWN: Newport