

Janet T. Mills
Governor

Jeanne M. Lambrew, Ph.D.
Commissioner



Maine Department of Health and Human Services
Commissioner's Office
11 State House Station
109 Capitol Street
Augusta, Maine 04333-0011
Tel: (207) 287-3707; Fax: (207) 287-3005
TTY: Dial 711 (Maine Relay)

MEMORANDUM

To: Health and Human Services Committee
From: Office for Family Independence, Maine DHHS
Date: April 21, 2021
Subject: LD 287 – Requiring photos on EBT cards

In response to questions from the Committee related to LD 287, DHHS' Fraud Investigation and Recovery Unit submits the following information:

The Fraud Investigation and Recovery Unit (FIRU) has sent 94 cases of suspected EBT card fraud for prosecution in the past three years. Most fraud involves someone using a deceased person's EBT card, which is prohibited. Other common cases involve the use of an incarcerated person's card, also prohibited. We see very few prosecutable cases of EBT card trafficking, when a card is traded for drugs and/or money. We have had one prosecution where a person in Lewiston traded \$80 on their EBT card for \$40 worth of crack cocaine and when confronted, both parties admitted to the conduct.

The State prosecuted one major EBT misuse case by a retailer where the retailer was providing cash to EBT users and pocketing a fee. The theft in this case totaled \$1.4 million and required assistance from the FBI for surveillance and the use of a cooperating witness. Photos on EBT cards would not have assisted in this case as both the retailer and the recipients were engaged in the scheme. Anecdotally, Law Enforcement officers routinely obtain EBT cards in other parties' names when searching subjects involved in illegal drug trafficking.

It is permissible under USDA/FNS regulations for another person to shop for a card recipient when they cannot. Individuals can report Food Supplement Benefit fraud by calling our hotline at 1-866-348-1129, can report by email at fraud.dhhs@maine.gov and can report using an online portal at <https://www.maine.gov/dhhs/about/contact/fraud-reporting-form>.

Additional Questions:

Rules require states with photos to exempt the elderly, the disabled, children under 18, homeless households, and victims of domestic violence. So, do we have some idea of what the breakdown of those groups in ME with SNAP would be with a total % of exempt recipients.

TOTAL POPULATION	POPULATION 18+	DISABLED or ELDER POPULATION	POPULATION UNDER 18	HOMELESS COUNT
160268	109454	63434	50814	2306

Information about the error rate including timing with the photos.

The error rate is not affected by fraud. The error rate is about incorrect eligibility determinations due to agency error or client reporting, and the amount of those incorrect issuances divided by total issuance. Photos on cards are moot when determining error rate.

Who under 18 might be eligible for SNAP?

There is no age limit for SNAP – if someone under 18 is otherwise eligible they can receive SNAP. Generally they are included in an assistance group with a head of household (adult over 18). We do have some emancipated youth under 18, but that is a very small population. Our understanding is that the exemption for youth under 18 is intended so that a youth, with their parent's pin number, would still be able to make purchases for their family when necessary without having to have their own photo card. There is typically one card per family/case, but there can be 2 if a second is requested and there could be 4 for a mix-funded case that has both federal and state funded SNAP.

Who can use SNAP (EBT) cards?

Anyone can use the SNAP card, with or without a photo, providing they have the card pin and are shopping for the intended recipient's household.