

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 271

H.P. 212

House of Representatives, January 27, 1995

An Act to Establish an Electronic Benefit Delivery Program for Aid to Families with Dependent Children, Food Stamp, Women, Infants and Children Special Supplemental Food and Medicaid Programs.

Reference to the Committee on Human Resources suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative MORRISON of Bangor.
Cosponsored by Representatives: BARTH of Bethel, BRENNAN of Portland, CHIZMAR of Lisbon, FITZPATRICK of Durham, JOHNSON of South Portland, KEANE of Old Town, POVICH of Ellsworth, TUTTLE of Sanford, WINN of Glenburn, Senators: CARPENTER of York, ESTY of Cumberland, O'DEA of Penobscot.

2 Be it enacted by the People of the State of Maine as follows:

4 Sec. 1. 22 MRSA c. 1, sub-c. 1-A is enacted to read:

6 **SUBCHAPTER I-A**

8 **ELECTRONIC BENEFIT DELIVERY PROGRAM**

10 **§21. Definitions**

12 As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

14 1. AFDC. "AFDC" means the federal Aid to Families with Dependent Children program administered pursuant to chapter 1053.

16 2. Automated teller machine. "Automated teller machine" means a machine that performs the following functions:

20 A. Maintains records of benefit entitlement and distribution for recipients of the AFDC, food stamp, Medicaid and WIC programs;

22 B. Accepts the encoded plastic cards distributed by the department to recipients; and

24 C. Issues funds or vouchers to the recipients from their individual accounts.

26 3. Electronic benefit delivery program. "Electronic benefit delivery program" means a program for the delivery of benefits in which a recipient withdraws benefits on a periodic basis from the recipient's own account by using an encoded card at an automated teller machine or a point of service machine.

28 4. Food stamps. "Food stamps" means the food stamp program established pursuant to section 3104.

30 5. Medicaid. "Medicaid" means the Medicaid program under the provisions of the United States Social Security Act, Title XIX, and successors to it, and related rules of the department pursuant to chapter 855.

32 6. Point of service machine. "Point of service machine" means a machine that performs the following functions:

34 A. Maintains records of benefit entitlement and distribution for recipients of the AFDC, food stamp, Medicaid and WIC programs;

2 B. Accepts the encoded plastic cards distributed by the
department to recipients; and

4 C. Processes transactions at the retail or professional
service establishment in which it is located.

6 7. Recipient. "Recipient" means a recipient of benefits
8 under the AFDC, food stamp, Medicaid or WIC programs.

10 8. WIC program. "WIC program" means the Women, Infants and
12 Children Special Supplemental Food Program of the federal Child
Nutrition Act of 1966.

14 **§22. Electronic benefit delivery program established**

16 The department shall establish an electronic benefit
18 delivery program for the issuance of benefits under the AFDC,
food stamp, Medicaid and WIC programs.

20 **§23. Waiver application**

22 By October 20, 1995, the department shall apply to the
24 United States Department of Health and Human Services for a
waiver to operate an electronic benefit delivery program.

26 **§24. Rulemaking**

28 The department shall adopt rules required for implementation
30 of this subchapter, including, but not limited to, rules for
determining the location and administration of automated teller
32 machines, rules for determining eligibility of merchants to
provide point of service machines and rules for granting hardship
34 exemptions from the requirements of the electronic benefit
delivery program.

36 **§25. Participation**

38 All recipients of benefits under the AFDC, food stamp,
40 Medicaid and WIC programs must participate in the electronic
benefit delivery program unless determined exempt by the
42 department because of a hardship.

44 **§26. Hardship exemption**

46 A hardship exemption must be determined pursuant to rules
adopted by the department. Hardship circumstances may include
48 but are not limited to findings of an unreasonable distance from
authorized automated teller and point of service machines and the
50 inability of the recipient to use the automated teller and point
of service machines.

