

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 272

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H.P. 213

House of Representatives, January 27, 1995

**An Act to Implement an Electronic Benefit Delivery Program for Benefits Provided by the Department of Mental Health and Mental Retardation.**

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

A handwritten signature in cursive script 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, CLARK of Millinocket, FITZPATRICK of Durham, JOHNSON of South Portland, KEANE of Old Town, MURPHY of Berwick, POVICH of Ellsworth, RICHARDSON of Portland, TUTTLE of Sanford, VIGUE of Winslow, 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. 34-B MRSA c. 1, sub-c. VI is enacted to read:**

6 **SUBCHAPTER VI**

8 **ELECTRONIC BENEFIT DELIVERY PROGRAM**

10 **§1901. Definitions**

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

14 **1. Automated teller machine.** "Automated teller machine" means a machine that performs the following functions:

16 A. Maintains records of benefit entitlement and distribution for recipients of programs delivered or administered by the department;

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

20 C. Issues vouchers to the recipients from their individual accounts.

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

24 **3. Point-of-service machine.** "Point-of-service machine" means a machine that performs the following functions:

26 A. Maintains records of benefit entitlement and distribution for recipients of programs delivered or administered by the department;

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

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

32 **4. Recipient.** "Recipient" means a recipient of benefits delivered or administered by the department.

34 **§1902. Electronic benefit delivery program established**

2           The department shall establish an electronic benefit  
4           delivery program for the issuance of benefits delivered or  
          administered by the department.

6           **§1903. Waiver application**

8           By October 1, 1995, the department shall apply to the United  
10          States Department of Health and Human Services for a waiver to  
          operate an electronic benefit delivery program.

12          **§1904. Rulemaking**

14          The department shall adopt rules required for implementation  
16          of this subchapter, including but not limited to rules for  
          determining the location and administration of automated teller  
18          machines, for determining eligibility of merchants to provide  
          point-of-service machines and for granting hardship exemptions  
20          from the requirements of the program.

22          **§1905. Participation**

24          All recipients of benefits delivered or administered by the  
          department must participate in the program unless determined by  
26          the department to be exempt because a hardship exists.

28          **§1906. Hardship exemptions**

30          Hardship exemptions must be determined pursuant to rules  
          adopted by the department. Hardship circumstances may include but  
32          are not limited to findings of unreasonable distance from  
          authorized automated teller and point-of-service machines and  
34          inability of the recipient to use the automated teller and  
          point-of-service machines.

36          **§1907. Requirements**

38          The department is required to implement the electronic  
40          benefit delivery program in a manner that ensures that  
          implementation of the program will not result in undue hardship  
42          for recipients or any decrease in benefits for recipients and  
          that ensures that the costs of the electronic benefit delivery  
44          program are not charged to or borne by the recipients.

46          **§1908. Implementation date**

48          The department shall implement the electronic benefit  
          delivery system within 90 days from the date on which the United  
50          States Department of Health and Human Services grants a waiver  
          for the electronic benefit delivery program.

2      **§1909. Report**

4           By January 1, 1996, the department shall report to the joint  
6 standing committee of the Legislature having jurisdiction over  
8 human resource matters on progress in implementing the electronic  
benefit delivery program.

10   **STATEMENT OF FACT**

12           This bill establishes an electronic benefit delivery program  
14 for the delivery of benefits by automated means to recipients of  
16 the benefits under programs delivered and administered by the  
18 Department of Mental Health and Mental Retardation. It would  
enable program recipients to use encoded cards to withdraw their  
benefits from automated teller and point-of-service machines on a  
periodic basis.

20           The bill requires the Department of Mental Health and Mental  
22 Retardation to apply for a waiver to establish the program and  
requires the program to be implemented within 90 days of receipt  
of the waiver.

24           The bill requires a report by January 1, 1996 from the  
26 Department of Mental Health and Mental Retardation to the Joint  
28 Standing Committee on Human Resources on progress in implementing  
the program.