

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 129

H.P. 111

House of Representatives, January 17, 2019

An Act To Protect a Child from Misuse of Identity

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BRYANT of Windham.
Cosponsored by Senator LIBBY of Androscoggin and
Representatives: DOORE of Augusta, EVANGELOS of Friendship, MARTIN of Sinclair,
NADEAU of Winslow, Senators: DESCHAMBAULT of York, DIAMOND of Cumberland.

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

2 **Sec. 1. 22 MRSA §42, sub-§10** is enacted to read:

3 **10. Protection of a child from misuse of identity.** The department shall adopt rules
4 to protect a child from the misuse of the identity of the child for household, business or
5 commercial purposes. Rules adopted pursuant to this subsection are routine technical
6 rules as defined by Title 5, chapter 375, subchapter 2-A. The rules must provide for the
7 following procedures when a person in a household that includes a minor child applies for
8 or renews an application for cash or medical assistance from the department:

9 A. Enabling the department to review information about and inquire and ascertain
10 whether a person who applies for or renews an application for cash or medical
11 assistance has misused the identity of the child, including, but not limited to, the
12 social security number and credit history of the child;

13 B. Requiring that, in applying for or renewing an application for cash or medical
14 assistance, the applicant and the child, if the child is able to sign a release, each sign a
15 release authorizing the department to make the inquiry and to receive and review any
16 information under paragraph A. The rules must require releases with respect to all
17 children in a household; and

18 C. Referring the matter to the Attorney General for consideration and possible legal
19 action if the department determines that the identity of a child has been misused.

20 The department shall report by April 1st each year to the joint standing committee of the
21 Legislature having jurisdiction over health and human services matters on the results of
22 inquiries, reviews of information and referrals made pursuant to this subsection.

23 **SUMMARY**

24 This bill directs the Department of Health and Human Services to adopt rules to
25 protect a child from the misuse of the identity of the child for household, business or
26 commercial purposes. The rules must provide for releases to make an inquiry, to review
27 information and to refer a matter to the Attorney General if the department finds that a
28 child's identity has been misused. The bill requires the department to report by April 1st
29 each year to the joint standing committee of the Legislature having jurisdiction over
30 health and human services matters on the results of child identity inquiries, reviews of
31 information and referrals.