

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1079

H. P. 913

House of Representatives, March 2, 1981

Referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Manning of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Prohibit Welfare Fraud.

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

Sec. 1. 17-A MRSA § 354, sub-§ 1, as enacted by PL 1975, c. 499, § 1, is repealed and the following enacted in its place:

1. A person is guilty of theft if he:

A. Obtains or exercises control over property of another as a result of deception and with an intention to deprive him thereof; or

B. Receives or obtains any public assistance benefit, including, but not limited to, welfare, public housing, or the like, as a result of deception.

Sec. 2. 17-A MRSA § 357, sub-§ 1, as enacted by PL 1975, c. 499, § 1, is repealed and the following enacted in its place:

1. A person is guilty of theft if he obtains services, which he knows are available only for compensation, by deception, threat, force or any other means designed either to avoid the due payment therefor, or to obtain services for reduced or no consideration. As used in this subsection, "deception" has the same meaning as in section 354, "threat" is deemed to occur under the circumstances described in section 355, subsection 2, and "compensation" includes consideration at a reduced rate.

Sec. 3. 17-A MRSA § 357, sub-§ 3, as amended by PL 1977, c. 183, § 1, is further amended to read:

3. As used in this section, "services" includes, but is not necessarily limited to, labor, professional service, public utility and transportation service, ski lift service, restaurant, hotel, motel, tourist cabin, rooming house and like accommodations, **lodging or housing, or public assistance benefits, including welfare**, the supplying of equipment, tools, vehicles or trailers for temporary use, telephone, telegraph or computer service, gas, electricity, water or steam, admission to entertainment, exhibitions, sporting events or other events or services for which a charge is made.

Sec. 4. 17-A MRSA § 452, sub-§ 1, ¶ A, sub-¶ (1), as enacted by PL 1975, c. 499, § 1, is amended to read:

(1) The falsification occurs in an official proceeding as defined in section 451, subsection 5, paragraph A, or is made with the intention to mislead a public servant performing his official duties, **or an agent or employee of a public or private entity administering or distributing public assistance; or**

Sec. 5. 17-A MRSA § 453, sub-§ 1, ¶ B, as enacted by PL 1975, c. 499, § 1, is repealed and the following enacted in its place:

B. He:

(1) **With the intent to deceive a public servant, or an agent or employee of a public or private entity administering public assistance in the performance of his official duties; or**

(2) **With intent to deceive any person, corporation or agency administering or distributing a public assistance entitlement program or benefit contingent on economic eligibility:**

(a) **Makes any written false statement which he does not believe to be true, provided that this subsection does not apply in the case of a written false statement made to a law enforcement officer by a person then in official custody and suspected of having committed a crime;**

(b) **Knowingly creates, or attempts to create, a false impression in a written application for any pecuniary or other benefit by omitting information necessary to prevent statements therein from being misleading; or**

(c) **Submits or invites reliance on any sample, specimen, map, boundary mark or other object which he knows to be false.**

STATEMENT OF FACT

In recognition of the increased public and governmental concern over fraudulent claims for public assistance and welfare benefits, this bill adopts a 2-pronged method of proscription.

The first prong is aimed at clarifying existing theft statutes, Title 17-A, sections 354 and 357, to proscribe theft of public assistance, including welfare, benefits through deception. This bill intends to reach situations where benefit entitlement is directly related to the financial status of the applicant, e. g., the amount of Aid to Families with Dependent Children benefits depend upon, among other factors, the income of the applicant.

The 2nd thrust of the bill is to focus upon applicants supplying false information upon which public assistance entitlement may rest. The scope of Title 17, section 452, false swearing, and 453, unsworn falsification, is broadened to specifically encompass a person supplying false information to a public assistance entity to obtain goods at either no cost or reduced costs, or to obtain goods and services at either no cost or reduced costs. The gravamen of the proposed change is to make purposely supplying false information to an administrator or distributor of public assistance a Class D crime.

The bill is designed to compliment the provisions of Title 17-A, sections 152 and 154 regarding attempt and conspiracy, respectively.