

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

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Legislative Document

No. 2106

H.P. 1521

House of Representatives, January 5, 1990

Submitted by the Department of Human Services pursuant to Joint Rule 24.  
Reference to the Committee on Human Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative PENDLETON of Scarborough.

Cosponsored by Senator WEBSTER of Franklin and Representative CLARK of Brunswick.

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STATE OF MAINE

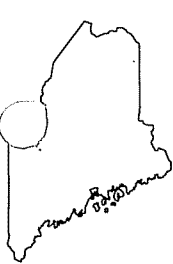
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

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**An Act to Amend the Laws Concerning the Department of Human Services to Increase the Maximum Allowable Fine to \$50,000.**

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

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4 22 MRSA §47, as amended by PL 1987, c. 774, §1, is further amended to read:

6 **§47. Penalties and jurisdiction; certificate of**  
8 **commissioner as evidence**

10 Whoever hinders, obstructs or interferes with any officer,  
12 inspector or duly authorized agent of the department while in the  
14 performance of ~~his duties~~ a duty shall be punished by a fine of  
16 not less than \$5 nor more than \$50, or by imprisonment for not  
18 less than 10 days nor more than 30 days. Any person who violates  
20 any order, rule or regulation of the department made for the  
22 protection of life or health under law shall be punished by a  
24 fine of not less than ~~\$20~~ \$200 nor more than ~~\$200~~ \$50,000, for  
26 each offense unless otherwise provided in this Title. Each day  
28 that a person violates any order or rule of the department made  
30 for the protection of life or health constitutes a separate  
32 offense under this section. Whoever violates any provision of  
34 this Title or willfully fails, neglects or refuses to perform any  
36 of the duties imposed upon ~~him~~ that person by this Title shall be  
38 punished by a fine of not more than \$500 or by imprisonment for  
40 not more than 6 months, unless specific penalties are elsewhere  
42 provided for. Any certificate of the commissioner in regard to  
44 the records of the department ~~shall be~~ is admissible in evidence  
46 in all prosecutions under this Title.

32 **STATEMENT OF FACT**

34 The federal regulations that govern the Women, Infants and  
36 Children Special Supplemental Food Program, or WIC program,  
38 provide state agencies that administer the WIC program with the  
40 right to levy fines against vendors who commit fraud or who abuse  
42 the program. In addition, the United States Department of  
44 Agriculture has encouraged state agencies to assess fines against  
46 abusive vendors in lieu of disqualification if disqualification  
would cause hardship to WIC recipients. The United States  
Department of Agriculture has also encouraged state WIC agencies  
to levy fines against vendors who have been assessed a fine from  
the food stamp program in lieu of disqualification.