

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1258

S.P. 462

In Senate, April 11, 1995

**An Act to Amend Laws Regarding False Claims for Payment or
Approval by the Department of Human Services.**

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

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator PENDEXTER of Cumberland.

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

4 **Sec. 1. 22 MRSA §15, first ¶**, as enacted by PL 1981, c. 242,
5 §2, is amended to read:

6 Any person, firm, association, partnership, corporation or
7 other legal entity who makes or causes to be made or presents or
8 causes to be presented for payment or approval any claim upon or
9 against the department or upon any funds administered by the
10 department, knowing such claim to be false, fictitious or
11 fraudulent or who, for the purpose of obtaining or aiding another
12 to obtain the payment or approval of such a claim, makes any
13 false written statement or submits any false document ~~which he~~
14 that the person does not believe to be true, or who enters into
15 any agreement, combination or conspiracy to defraud the
16 department by obtaining the payment or approval of any false,
17 fictitious or fraudulent claim, shall, in addition to any
18 criminal liability ~~which that~~ may be provided by law, be subject
19 to civil suit by this State in the Superior Court for recovery of
20 damages civil penalties to include the following:

21 **Sec. 2. 22 MRSA §15, sub-§3**, as enacted by PL 1981, c. 242,
22 §2, is amended to read:

23 **3. Payment of civil penalties.** Payment of damages civil
24 penalties, without regard to the amount in controversy, in an
25 amount which is threefold the amount of such excess benefits or
26 payments as set forth in subsection 1, but in any case not less
27 than \$2,000 for each false claim for assistance, benefits or
28 payments, or for each document submitted in support of such false
29 claim, whichever is the greater amount; and

30 **Sec. 3. 22 MRSA §15, sub-§4**, as enacted by PL 1981, c. 242,
31 §2, is amended to read:

32 **4. Cost of the suit.** Cost of the suit;

33 **Sec. 4. 22 MRSA §15, sub-§§5 and 6** are enacted to read:

34 **5. Costs of investigation.** Costs of investigation; and

35 **6. Attorney's fees.** Attorney's fees.

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39 **STATEMENT OF FACT**

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This bill amends the laws regarding false claims for payment
or approval by the Department of Human Services to clarify that
violators of these laws pay civil penalties, not damages. This
bill also enables the State to seek the costs of investigation
and attorney's fees from violators of these laws.