

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 1309

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H.P. 946

House of Representatives, March 4, 1997

**An Act to Provide for the Interception of an Individual's Unemployment Compensation to Repay an Overissue of Food Stamp Coupons.**

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Submitted by the Department of Labor pursuant to Joint Rule 204.  
Reference to the Committee on Labor suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative PENDLETON of Scarborough.

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

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Sec. 1. 26 MRS §1044, sub-§3 is amended to read:

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3. **No assignment of benefits; exemptions.** Any assignment, pledge or encumbrance of any right to benefits which are or may become due or payable under this chapter ~~shall-be~~ is void. Such rights to benefits ~~shall-be~~ are exempt from levy, execution, attachment or any other remedy whatsoever provided for the collection of debt. Benefits received by any individual, so long as they are not mingled with other funds of the recipient, shall be are exempt from any remedy whatsoever for the collection of all debts except debts incurred for necessities furnished to ~~sueh~~ that individual or ~~his--spouse~~ the individual's or dependents during the time when ~~sueh~~ that individual was unemployed. No waiver of any exemption provided for in this subsection ~~shall-be~~ is valid. This subsection does not apply to any amount deducted or collected under this chapter.

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Sec. 2. 26 MRS §1191, sub-§10 is enacted to read:

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10. Food stamp overissues deducted and withheld from benefits. Food stamp overissues must be deducted and withheld from benefits as follows:

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A. An individual filing a new claim for unemployment compensation on or after October 1, 1997, shall, at the time of filing such claim, disclose whether that individual owes an uncollected overissue, as defined in the federal Food Stamp Act of 1977, 7 United States Code, Section 2022(c)(1), of food stamp coupons. The commissioner shall notify the state food stamp agency enforcing the obligation of any individual who discloses that that individual owes food stamp overissues and who is determined to be eligible for unemployment compensation.

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B. The commissioner shall deduct and withhold from any unemployment compensation payable to an individual who owes an uncollected overissue:

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(1) The amount specified by the individual to the commissioner to be deducted and withheld under this subsection;

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(2) The amount determined pursuant to an agreement submitted to the state food stamp agency under the federal Food Stamp Act of 1977, 7 United States Code, Section 2022(c)(3)(A); or

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(3) Any amount otherwise required to be deducted and withheld from unemployment compensation pursuant to the

2 Federal Food Stamp Act of 1977, 7 United States Code,  
3 Section 2022,(c)(3)(B).

4 C. Any amount deducted and withheld under this subsection  
5 must be paid by the commissioner to the appropriate state  
6 food stamp agency.

7 D. Any amount deducted and withheld under paragraph C must  
8 be treated for all purposes as if it were paid to the  
9 individual as unemployment compensation and paid by the  
10 individual to the state food stamp agency as repayment of  
11 the individual's uncollected overissue.

12 E. For purposes of this subsection, the term "unemployment  
13 compensation" means any compensation payable under this  
14 chapter including amounts payable by the commissioner  
15 pursuant to an agreement under any federal law providing for  
16 compensation, assistance or allowances with respect to  
17 unemployment.

18 This subsection applies only if arrangements have been made for  
19 reimbursement by the state food stamp agency for all the  
20 administrative costs incurred by the commissioner under this  
21 subsection that are attributable to the repayment of uncollected  
22 overissues to the state food stamp agency.

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**SUMMARY**

31 The Federal Government enacted Public Law 104-193, commonly  
32 called the "welfare reform" bill in August of 1996. This law  
33 requires that a state food stamp agency must collect any  
34 overissue of food stamp coupons issued "to a household" by  
35 withholding amounts from unemployment compensation payable to "a  
36 member of the household." This bill is necessary to bring Maine  
37 law into conformity with federal law. The Maine Revised  
38 Statutes, Title 26, section 1044, subsection 3 is amended for  
purposes of clarification.