

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1190

H.P. 898

House of Representatives, February 28, 2001

An Act to Criminalize the Unauthorized Use of Food Stamp Devices.

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative COLWELL of Gardiner.

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

2 Sec. 1. 17-A MRSA §759 is enacted to read:

4 §759. Unlawful trafficking in food stamp devices

6 1. A person is guilty of unlawful trafficking in food stamp devices if, for consideration of any kind, the person intentionally or knowingly furnishes coupons, authorization cards or access devices issued pursuant to 7 United States Code, Chapter 51 to any person other than an entity approved by the United States Secretary of Agriculture for such transactions.

8 Redemption of coupons by an entity approved by the United States Secretary of Agriculture pursuant to 7 United States Code, Chapter 51 for redemption or redemption of coupons by financial institutions insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation or the Federal Credit Union Act does not constitute a violation of this section.

10 2. Unlawful trafficking in food stamp devices is a Class D crime.

12 3. Notwithstanding subsection 2, unlawful trafficking in food stamp devices is a Class C crime if the State also pleads and proves:

14 A. That the consideration for the coupons, authorization cards or access devices included dangerous weapons, firearm ammunition or explosives, or that the person unlawfully trafficking in the coupons, authorization cards or access devices did so with the intent to use the consideration received, whatever that consideration may have been, for acquiring dangerous weapons, firearm ammunition or explosives;

16 B. That the value of the coupons, authorization cards or access devices, or the consideration for which they were furnished, in fact exceeded \$2,000; or

18 C. That the defendant had been previously convicted of a violation of this section or a criminal violation of 7 United States Code, Chapter 51. The date of such a prior conviction must have preceded the date of the commission of the crime being enhanced by no more than 10 years.

20 4. For the purposes of this section, the meaning of "value" must be determined according to section 352, subsection 5, paragraphs A to D. Amounts of value involved in individual

