

MAINE STATE LEGISLATURE

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Rules

L.D. 1930

DATE: 3-8-02

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HEALTH AND HUMAN SERVICES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1433, L.D. 1930, Bill, "An Act to Ensure the Fair Collection of Overpayments"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 22 MRSA §3811, sub-§1-A is enacted to read:

1-A. Caretaker relative. "Caretaker relative" as defined by rules adopted by the department means any person, regardless of age, who applies for and receives assistance on behalf of a dependent child.

Sec. 2. 22 MRSA §3825 is enacted to read:

§3825. Exceptions to collections from minors

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "AFDC" means the Aid to Families with Dependent Children program administered pursuant to former chapter 1053.

B. "TANF" means the Temporary Assistance for Needy Families program, under the United States Social Security Act, as amended by the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105.

COMMITTEE AMENDMENT

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2 2. TANF and food stamps. To the extent allowable by
3 federal law, a TANF or food stamp overpayment may not be
4 collected from a person who was a minor dependent in the
household at the time the overpayment accrued.

6 3. AFDC. If the caretaker relative and all adult members
7 of an overpaid assistance unit can not be located, are deceased
8 or have had the overpayment discharged in bankruptcy and a minor
9 dependent member of the overpaid assistance unit is receiving
10 benefits from AFDC or TANF, or its successor programs, the
11 department may reduce benefits to the extent required by federal
12 law. To the extent allowable by federal law, the department may
13 not otherwise seek to recover overpaid benefits from anyone who
14 was a minor dependent member of the AFDC assistance unit at the
time that the AFDC overpayment accrued.

16 4. Rulemaking. The department may adopt rules to implement
17 this section. Rules adopted pursuant to this section are routine
18 technical rules as defined in Title 5, chapter 375, subchapter
19 II-A.'

22 **SUMMARY**

24 To the extent permitted by federal law, this bill prohibits
26 the Department of Human Services from collecting overpayments
28 accrued in the Temporary Assistance for Needy Families program,
the Aid to Families with Dependent Children program and the food
30 stamp program from people who were minors in the household at the
time that their parent or other caretaker received the
32 overpayment.