

# MAINE STATE LEGISLATURE

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L.D. 1822

Date: 4-8-14

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
126TH LEGISLATURE  
SECOND REGULAR SESSION

HOUSE AMENDMENT "D" to COMMITTEE AMENDMENT "A" to H.P. 1312,  
L.D. 1822, Bill, "An Act To Increase Integrity in the Temporary Assistance for Needy  
Families Program through Restriction of Expenditures "

Amend the amendment by striking out all of sections 1 to 5 and inserting the  
following:

**Sec. 1. 22 MRSA §23, sub-§1, ¶B**, as corrected by RR 2011, c. 2, §23, is  
amended to read:

B. A gambling facility, as defined in Title 8, section 1001, subsection 16, except that  
use of the electronic benefits transfer system is permitted in any portion of the  
premises of a gambling facility that is set aside separately for the sale primarily of  
staple foods as defined in 7 United States Code, Section 2012(r); or

**Sec. 2. 22 MRSA §23, sub-§1, ¶C**, as enacted by PL 2011, c. 687, §4, is  
amended to read:

C. A retail establishment that provides adult-oriented entertainment in which  
performers disrobe or perform in an unclothed state for entertainment; or

**Sec. 3. 22 MRSA §23, sub-§1, ¶D** is enacted to read:

D. A tobacco specialty store, as defined in section 1541, subsection 7.

**Sec. 4. 22 MRSA §3763, sub-§§11 and 12** are enacted to read:

**11. Prohibited expenditures.** The expenditure of TANF benefits is governed by  
this subsection.

A. TANF benefits may not be expended on, and retailers and vendors may not accept  
TANF benefits through electronic benefits transfer system debit cards for:

- (1) Tobacco products, as defined in Title 22, section 1551, subsection 3;
- (2) Imitation liquor and liquor, as defined in Title 28-A, section 2, subsections  
13 and 16, respectively;
- (3) Gambling activity, as defined in Title 8, section 1001, subsection 15;

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1                   (4) Lotteries conducted by the State pursuant to Title 8, chapter 14-A or the Tri-  
2                   State Lotto Commission pursuant to Title 8, chapter 16; or

3                   (5) Bail, as defined in Title 15, section 1003, subsection 1.

4                   **12. Required agreement.** A recipient of TANF benefits shall enter into an  
5                   agreement with a representative of the department that the recipient agrees not to expend  
6                   TANF benefits in violation of subsection 11.

7                   **Sec. 5. Department of Health and Human Services to educate recipients**  
8                   **of the Temporary Assistance for Needy Families program.** The Department of  
9                   Health and Human Services shall develop an education program for recipients of benefits  
10                  under the Temporary Assistance for Needy Families program, referred to in this section  
11                  as "TANF," that emphasizes that those benefits under TANF are to be used for supporting  
12                  dependent children. The program must educate TANF recipients regarding the agreement  
13                  entered into by the recipient pursuant to the Maine Revised Statutes, Title 22, section  
14                  3763, subsection 12, including but not limited to:

- 15                   1. Appropriate, approved and specific uses of TANF benefits;
- 16                   2. Refraining from using the electronic benefits transfer system to pay for tobacco  
17                  products, liquor products, gambling activities, lotteries or bail, including refraining from  
18                  using the electronic benefits transfer system at automated teller machines to withdraw  
19                  TANF benefits as cash, which is then used to pay for those products or activities; and
- 20                   3. The prohibition on using the electronic benefits transfer system for transactions  
21                  for unauthorized spending pursuant to the Maine Revised Statutes, Title 22, section 23  
22                  and section 3763, subsection 11.

23                  **Sec. 6. Department of Health and Human Services to collect information**  
24                  **on purchases of certain items.** The Department of Health and Human Services shall  
25                  collect information on the costs and impact of implementing and enforcing the  
26                  prohibitions set forth in the Maine Revised Statutes, Title 22, section 3763, subsection 11,  
27                  including the:

- 28                   1. Administrative costs of implementation and costs of enforcing the prohibitions;
- 29                   2. Number of recipients who have been finally determined by the department to have  
30                  violated the prohibitions;
- 31                   3. Status of and final adjudication of any judicial appeals of determinations by the  
32                  department;
- 33                   4. Number of individuals who have been penalized for violating Title 22, section  
34                  3763, subsection 11; and
- 35                   5. Dollar amount of any funds recovered as a result of enforcement of the  
36                  prohibitions established in Title 22, section 3763, subsection 11.

37                  The Department of Health and Human Services shall report this information, along  
38                  with recommendations and any suggested legislation, to the joint standing committee of  
39                  the Legislature having jurisdiction over health and human services matters no later than  
40                  March 15, 2015.'

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HOUSE AMENDMENT "D" to COMMITTEE AMENDMENT "A" to H.P. 1312, L.D. 1822

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**SUMMARY**

This amendment incorporates the substance of Senate Amendment "A" to Committee Amendment "A," except that it removes the penalties established in that amendment and it removes references to those penalties.

**SPONSORED BY:** \_\_\_\_\_  
**(Representative FREDETTE)**  
**TOWN: Newport**

**FISCAL NOTE REQUIRED**  
**(See attached)**

**HOUSE AMENDMENT**



# 126th MAINE LEGISLATURE

LD 1822

LR 2777(18)

## An Act To Increase Integrity in the Temporary Assistance for Needy Families Program through Restriction of Expenditures

Fiscal Note for House Amendment "D" to Committee Amendment "A"  
Sponsor: Rep. Fredette of Newport  
Fiscal Note Required: Yes

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### Fiscal Note

Potential current biennium savings - Federal Block Grant Fund  
Minor cost increase - General Fund

#### Fiscal Detail and Notes

The amendment may increase the potential for Federal Block Grant Fund savings. Additional administrative costs for the Department of Health and Human Services are assumed to be minor and can be absorbed within existing budgeted resources.