

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 607

H.P. 420

House of Representatives, March 3, 2015

An Act To Stop the Abuse of Electronic Benefits Transfer Cards

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in black ink, reading "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative PARRY of Arundel.
Cosponsored by Senator COLLINS of York and
Representatives: O'CONNOR of Berwick, REED of Carmel, SANDERSON of Chelsea,
VACHON of Scarborough, WARD of Dedham.

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

2 **Sec. 1. 22 MRSA §3104, sub-§12**, as amended by PL 2011, c. 687, §10, is
3 further amended to read:

4 **12. Penalty.** The unauthorized issuance, redemption, use, transfer, acquisition,
5 alteration or possession of coupons or other program access device, including an
6 electronic benefits transfer card, may subject an individual, partnership, corporation or
7 other legal entity to prosecution by the State in accordance with Sections 15 (b) and 15
8 (c) of the federal Food Stamp Act of 1977 and the federal Food and Nutrition Act of
9 2008. ~~Penalties are in accordance with those outlined in federal law or regulations.~~ A
10 person who is arrested and charged under Title 17-A, chapter 45 who at the time of the
11 arrest possesses an electronic benefits transfer card of another person creates a rebuttable
12 presumption that the other person trafficked the card in exchange for an unlawful
13 substance under Title 17-A, chapter 45. A person who knowingly engages in trafficking
14 in benefits as defined by 7 Code of Federal Regulations, Section 271.2 commits a Class D
15 crime- and is subject to the following:

16 A. For a first offense, the benefits under this section are suspended for one year;

17 B. For a 2nd or subsequent offense, the benefits under this section are suspended for
18 at least 5 years; and

19 C. If it is proved that a violation under paragraph A or B involved trafficking an
20 electronic benefits transfer card in exchange for an unlawful substance under Title
21 17-A, chapter 45, the penalty under that paragraph is doubled.

22 **Sec. 2. 22 MRSA §3104, sub-§§15 and 16** are enacted to read:

23 **15. Replacement electronic benefits transfer card.** A replacement electronic
24 benefits transfer card issued to a recipient must have a photograph of the recipient on the
25 card.

26 **16. Notification letter.** The department shall send a letter to all recipients of
27 benefits under this section notifying the recipients of the provisions of subsection 12.
28 Every recipient of benefits under this section must sign the notification letter
29 acknowledging that the recipient understands the letter's contents and return the letter to
30 the department within a reasonable period of time as determined by the department.

31 SUMMARY

32 This bill amends the provisions regarding electronic benefits transfer cards by
33 providing that:

34 1. For a violation of trafficking an electronic benefits transfer card, the benefits are
35 suspended one year for a first offense and at least 5 years for a 2nd or subsequent offense,
36 with the penalties doubled if the benefits recipient trafficked the card in exchange for
37 illegal drugs;

- 1 2. If an electronic benefits transfer card is found in the possession of a person other
2 than the recipient and the person is arrested and charged for a drug offense, it creates a
3 rebuttable presumption that the recipient trafficked the card for drugs;
- 4 3. A replacement electronic benefits transfer card must have a photograph of the
5 recipient on the card; and
- 6 4. The Department of Health and Human Services is directed to send a letter to all
7 recipients of benefits under the statewide food supplement program of the amended
8 penalty provision. The recipient is required to sign and return the letter acknowledging
9 the recipient understood the letter.