

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
2002

cles of incorporation or on articles of merger, conversion or domestication.

B. A corporation that fails to comply with this subsection is a public benefit corporation until proper filing is made.

Sec. C-29. Effective date. This Part takes effect January 1, 2003.

See title page for effective date, unless otherwise indicated.

CHAPTER 551

H.P. 1433 - L.D. 1930

An Act to Ensure the Fair Collection of Overpayments

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

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.

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

3. AFDC. If the caretaker relative and all adult members of an overpaid assistance unit can not be located, are deceased or have had the overpayment discharged in bankruptcy and a minor dependent member of the overpaid assistance unit is receiving

benefits from AFDC or TANF, or its successor programs, the department may reduce benefits to the extent required by federal law. To the extent allowable by federal law, the department may not otherwise seek to recover overpaid benefits from anyone who was a minor dependent member of the AFDC assistance unit at the time that the AFDC overpayment accrued.

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

See title page for effective date.

CHAPTER 552

H.P. 1486 - L.D. 1989

An Act Regarding Criminal History Record Checks

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

Sec. 1. 25 MRSA §1541, sub-§6, as amended by PL 1999, c. 401, Pt. W, §1, is further amended to read:

6. Establishment of fees. The State Bureau of Identification may charge a fee to nongovernmental organizations ~~and~~ governmental organizations that are engaged in licensing and governmental organizations that are not a governmental entity of the State, a county of the State or a municipality of the State for services provided each criminal history record check requested for noncriminal justice purposes pursuant to this chapter Title 16, chapter 3, subchapter VIII. The requestor shall provide a name and date of birth for each record being requested. A request made pursuant to 5 United States Code, Section 9101 must be accompanied by fingerprints. A governmental organization that is engaged in licensing may charge an applicant for the cost of the ~~State Bureau of Identification services~~ criminal history record check. The commissioner shall establish a schedule of fees that covers the cost of providing these services. Revenues generated from ~~this fee~~ these fees must be credited to the General Fund and the Highway Fund in an amount consistent with currently budgeted allotments and allocations.

Sec. 2. 25 MRSA §1549, as amended by PL 1993, c. 235, §1, is further amended to read:

§1549. Request for fingerprints; fee

The State Police, the sheriffs and the chiefs of police in each of the cities and towns may take or