

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST SPECIAL SESSION
September 27, 2011

SECOND REGULAR SESSION
January 4, 2012 to May 31, 2012

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
LAWS IS
SEPTEMBER 28, 2011

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 30, 2012

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

Augusta, Maine
2012

**CHAPTER 512
S.P. 536 - L.D. 1626**

**An Act To Clarify the
Authority of the Department of
Health and Human Services To
Impose Administrative
Sanctions upon Vendors,
Providers and Participants in
the Women, Infants and
Children Special Supplemental
Food Program**

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

Sec. 1. 22 MRSA §1951 is amended to read:

§1951. Health improvement program

The department, ~~through its Bureau of Health,~~ is authorized to administer a program to extend and improve its services for promoting the health of mothers and children, especially in rural areas and in areas suffering from severe economic distress. ~~Nothing in this~~ This chapter shall may not be construed as authorizing any public official, agent or representative, in carrying out ~~said~~ this chapter, to take charge of any child over the objections of either the father or the mother of ~~such~~ that child, or of the person standing in loco parentis to ~~such~~ that child, except pursuant to a proper court order.

Sec. 2. 22 MRSA §3107, as enacted by PL 1989, c. 777, is repealed and the following enacted in its place:

§3107. Women, Infants and Children Special Supplemental Food Program vendor, provider and participant penalties

The department, as part of its administration of the Women, Infants and Children Special Supplemental Food Program of the federal Child Nutrition Act of 1966, referred to in this section as "the program," shall adopt rules defining prohibited conduct under the program and establishing penalties for such conduct and as necessary to implement this section. After providing an opportunity for a hearing in accordance with Title 5, chapter 375, subchapter 4, 7 Code of Federal Regulations, Section 246.9 (2011), 7 Code of Federal Regulations, Section 246.18 (2011) and any other federal law that applies to adjudicatory proceedings for vendors, providers and participants and making a determination that the affected party has violated a provision of the program, including rules that apply to the program, the department may:

1. Vendors. Assess and impose a fine or penalty against a vendor under the program;

2. Providers. Disqualify a local agency provider under the program; or

3. Participants. Require repayment of benefits made under the program to a participant or disqualify a participant from program benefits.

Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 513
S.P. 579 - L.D. 1680**

**An Act To Amend the
Circuitbreaker Program To
Include Claimants Occupying
Property Pursuant to a Trust
and To Require Proof of
Payment of Rent**

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

Sec. 1. 36 MRSA §6201, sub-§5, as amended by PL 1995, c. 368, Pt. CCC, §7 and affected by §11, is further amended to read:

5. Homestead. "Homestead" means the dwelling owned or rented by the claimant or held in a revocable living trust for the benefit of the claimant and occupied by the claimant and the claimant's dependents as a home, and may consist of a part of a multidwelling or multipurpose building and a part of the land, up to 10 acres, upon which it is built. "Owned" includes a vendee in possession under a land contract and of one or more joint tenants or tenants in common and includes possession under a legally binding agreement that allows the owner of the dwelling to transfer the property but continue to occupy the dwelling as a home until some future event stated in the agreement.

Sec. 2. Adoption of rules. The State Tax Assessor shall adopt routine technical rules, pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, to require, for applications filed on or after August 1, 2012, proof of rent paid when a claimant makes a claim under the Circuitbreaker Program based on rent paid in the amount of \$9,000 or more for the year and to establish a process and provide instructions for providing proof.

Sec. 3. Application. That section of this Act that amends the Maine Revised Statutes, Title 36, section 6201, subsection 5 applies to applications for the Circuitbreaker Program filed on or after August 1, 2012.

See title page for effective date.