

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 6, 2016 to April 29, 2016**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 29, 2016**

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

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**Augusta, Maine**  
**2016**

Revised Statutes, Title 35-A, section 3210-F and may not be considered imprudent; and

B. Above-market costs, including any price differential existing at any time during the term of the contract between the contract price and the prevailing market price at which the capacity resource is sold and any losses derived from contracts for differences, must be paid from the fund.

**7. Rules.** The commission may adopt rules to implement this section. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**8. Transfers of funds.** Notwithstanding any provision of law to the contrary, at the close of fiscal year 2015-16, the State Controller, as the next priority after making the transfers authorized pursuant to the Maine Revised Statutes, Title 5, sections 1507, 1511, 1519, 1522 and 1536, shall transfer from the unappropriated surplus of the General Fund to the Cost Recovery Fund, Other Special Revenue Funds account within the Public Utilities Commission amounts as may be available from time to time, up to a total of \$13,400,000.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

**PUBLIC UTILITIES COMMISSION**

**Cost Recovery Fund N228**

Initiative: Provides an allocation to pay above-market costs of contracts for energy or contracts for differences for the procurement of up to 80 megawatts of biomass resources.

OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17
All Other	\$0	\$13,400,000
	\$0	\$13,400,000
OTHER SPECIAL REVENUE FUNDS TOTAL		

**Public Utilities - Administrative Division 0184**

Initiative: Provides an allocation for consulting costs.

OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17
All Other	\$0	\$100,974
	\$0	\$100,974
OTHER SPECIAL REVENUE FUNDS TOTAL		

**PUBLIC UTILITIES COMMISSION**

DEPARTMENT TOTALS	2015-16	2016-17
OTHER SPECIAL REVENUE FUNDS	\$0	\$13,500,974
	\$0	\$13,500,974
DEPARTMENT TOTAL - ALL FUNDS		

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 16, 2016.

**CHAPTER 484**

**S.P. 384 - L.D. 1097**

**An Act To Improve the Integrity of Maine's Welfare Programs**

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

**Sec. 1. 22 MRSA §3763, sub-§§11 and 12** are enacted to read:

**11. Restrictions on use of electronic benefits transfer system.** A recipient of benefits under this chapter may not expend those benefits using the electronic benefits transfer system established in section 22 for the purchase of the following:

A. Tobacco products, as defined in section 1551, subsection 3;

B. Imitation liquor or liquor, as defined in Title 28-A, section 2, subsections 13 and 16, respectively;

C. Gambling activity, as defined in Title 8, section 1001, subsection 15;

D. Lotteries conducted by the State pursuant to Title 8, chapter 14-A or the Tri-State Lotto Commission pursuant to Title 8, chapter 16;

E. Bail, as defined by Title 15, section 1003, subsection 1;

F. Firearms or ammunition;

G. Vacation or travel services;

H. Publications, services or entertainment that contain or promote obscene matter. For purposes of this paragraph, "obscene matter" has the same meaning as in Title 17, section 2911, subsection 1, paragraph D; or

I. Tattoos, as defined by Title 32, section 4201, or body art.

A person who violates this subsection is subject to those penalties specified in subsection 12.

**12. Penalties.** When the department determines based on clear and convincing documentary evidence that a recipient of benefits under this chapter has knowingly purchased a product or service in violation of subsection 11, that recipient is deemed to have received an overpayment in the amount of the prohibited purchase, which may be recovered by the department pursuant to chapter 1055-A. The recipient is also subject to the following additional penalties:

A. For the 1st offense, the recipient may be disqualified from receiving benefits under this chapter for a period that does not exceed 3 months;

B. For the 2nd offense, the recipient may be disqualified from receiving benefits under this chapter for a period that does not exceed 12 months; and

C. For the 3rd and subsequent offenses, the recipient may be disqualified from receiving benefits under this chapter for a period that does not exceed 24 months.

The department shall initiate an administrative hearing for a recipient of benefits who the department has determined has violated subsection 11. The notice and hearing must be conducted consistent with the department rules governing notice and hearing required for an intentional program violation.

**Sec. 2. Blocking prohibited purchases through technological means.** No later than October 1, 2016, notwithstanding Joint Rule 353, the Commissioner of Health and Human Services shall convene a working group, referred to in this section as "the feasibility working group," to determine feasible options for preventing Temporary Assistance for Needy Families program benefits, through electronic benefits transfer cards, from being used to purchase the prohibited products or services listed in the Maine Revised Statutes, Title 22, section 3763, subsection 11, referred to in this section as "prohibited products or services."

**1. Members.** The feasibility working group consists of the following members:

A. The Commissioner of Health and Human Services or the commissioner's designee;

B. Two members of the House of Representatives, including a member from each of the 2 parties holding the largest number of seats in the Legislature, appointed by the Speaker of the House;

C. Two members of the Senate, including a member from each of the 2 parties holding the largest number of seats in the Legislature, appointed by the President of the Senate; and

D. Three members appointed by the Commissioner of Health and Human Services as follows:

(1) A representative of retailers in the State;

(2) A representative of the financial industry familiar with electronic commerce; and

(3) A representative of individuals receiving cash assistance through the TANF program.

**2. Duties.** The feasibility working group shall research, evaluate, determine and recommend the most effective means of ensuring that electronic benefits transfer cards block at the point of sale the use of TANF benefits to purchase prohibited products or services. The feasibility working group shall determine the cost of any system that it recommends and shall analyze the impact of its recommendation on business establishments of varying sizes doing business in the State.

**3. Report.** The feasibility working group shall submit a report of its findings and recommendations, together with any legislation necessary to implement the recommendations, to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than December 15, 2016.

See title page for effective date.

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## CHAPTER 485

### S.P. 602 - L.D. 1541

#### An Act To Increase Sentences Imposed for the Illegal Importation of Scheduled Drugs

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

**Sec. 1. 15 MRSA §3314, sub-§6**, as amended by PL 2003, c. 657, §1, is further amended to read:

**6. Forfeiture of firearms.** As part of every disposition in every proceeding under this code, every firearm that constitutes the basis for an adjudication for a juvenile crime that, if committed by an adult, would constitute a violation of section 393; Title 17-A, section 1105-A, subsection 1, paragraph C-1; Title 17-A, section 1105-B, subsection 1, paragraph C; Title 17-A, section 1105-C, subsection 1, paragraph C-1; ~~or~~ Title 17-A, section 1105-D, subsection 1, paragraph B-1; or Title 17-A, section 1118-A, subsection 1, paragraph B and every firearm used by the juvenile or any accomplice during the course of conduct for which the juvenile has been adjudicated to have committed a juvenile crime that would have been forfeited pursuant to Title 17-A, section 1158-A if the criminal conduct had been committed by an adult must be forfeited to