



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 219

H.P. 151

House of Representatives, February 3, 2015

An Act To Protect a Child from Misuse of Identity

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BRYANT of Windham.
Cosponsored by Senator DIAMOND of Cumberland and
Representatives: FARNSWORTH of Portland, GATTINE of Westbrook, McCREIGHT of
Harpwell, MONAGHAN of Cape Elizabeth, TUELL of East Machias, Senators:
GERZOFSKY of Cumberland, MIRAMANT of Knox, PATRICK of Oxford.

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

2 **Sec. 1. 22 MRSA §42, sub-§10** is enacted to read:

3 **10. Protection of a child from misuse of identity.** The department shall adopt rules
4 to protect a child from the misuse of the identity of the child for household, business or
5 commercial purposes. Rules adopted pursuant to this subsection are routine technical
6 rules as defined by Title 5, chapter 375, subchapter 2-A. The rules must provide for the
7 following procedures when a person in a household that includes a minor child applies for
8 cash or medical assistance from the department or renews an application for cash or
9 medical assistance:

10 A. Enabling the department to review information about and inquire and ascertain
11 whether a person who is applying for or renewing an application for cash or medical
12 assistance has misused the identity of the child including, but not limited to, the
13 social security number and credit history of the child;

14 B. Requiring that, in applying for or renewing an application for cash or medical
15 assistance, the applicant and the child, if the child is able to sign a release, each sign a
16 release authorizing the department to make the inquiry and to receive and review any
17 information under paragraph A. The rules must require releases with respect to all
18 children in a household; and

19 C. Referring the matter to the Attorney General for consideration and possible legal
20 action if the department determines that the identity of a child has been misused.

21 The department shall report by April 1st each year to the joint standing committee of the
22 Legislature having jurisdiction over health and human services matters on the results of
23 inquiries, reviews of information and referrals made pursuant to this subsection.

24 **SUMMARY**

25 This bill directs the Department of Health and Human Services to adopt rules to
26 protect a child from the misuse of the identity of the child for household, business or
27 commercial purposes. The rules must provide for releases to make an inquiry, to review
28 information and to refer a matter to the Attorney General if the department finds that a
29 person has misused a child's identity for household, business or commercial purposes.
30 The bill requires the department to report by April 1st each year to the joint standing
31 committee of the Legislature having jurisdiction over health and human services matters
32 on the results of child identity inquiries, reviews of information and referrals.