



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1144

H.P. 782

House of Representatives, March 31, 2015

**An Act To Ensure the Integrity of the Temporary Assistance for
Needy Families Program**

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 McCABE of Skowhegan.
Cosponsored by Senator VALENTINO of York and
Representatives: BECK of Waterville, DAVITT of Hampden, DUCHESNE of Hudson,
PETERSON of Rumford, POWERS of Naples, SAUCIER of Presque Isle, SHORT of
Pittsfield, Senator: KATZ of Kennebec.

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

2 **Sec. 1. 22 MRSA §23, sub-§1, ¶B**, as corrected by RR 2011, c. 2, §23, is
3 amended to read:

4 B. A gambling facility, as defined in Title 8, section 1001, subsection 16, except that
5 use of the electronic benefits transfer system is permitted in any portion of the
6 premises of a gambling facility that is set aside separately for the sale primarily of
7 staple foods as defined in 7 United States Code, Section 2012(r); ~~or~~

8 **Sec. 2. 22 MRSA §23, sub-§1, ¶C**, as enacted by PL 2011, c. 687, §4, is
9 amended to read:

10 C. A retail establishment that provides adult-oriented entertainment in which
11 performers disrobe or perform in an unclothed state for entertainment; or

12 **Sec. 3. 22 MRSA §23, sub-§1, ¶D** is enacted to read:

13 D. A tobacco specialty store, as defined in section 1541, subsection 7.

14 **Sec. 4. 22 MRSA §3763, sub-§11** is enacted to read:

15 **11. Prohibited expenditures.** The expenditure of TANF benefits is governed by
16 this subsection.

17 A. TANF benefits may not be expended on:

18 (1) Tobacco products, as defined in section 1551, subsection 3;

19 (2) Imitation liquor and liquor, as defined in Title 28-A, section 2, subsections
20 13 and 16, respectively;

21 (3) Gambling activity, as defined in Title 8, section 1001, subsection 15; or

22 (4) Lotteries conducted by the State pursuant to Title 8, chapter 14-A or the Tri-
23 state Lotto Commission pursuant to Title 8, chapter 16.

24 B. An eligible recipient of cash assistance from the TANF program who knowingly
25 makes a prohibited purchase in violation of paragraph A is subject to the following
26 penalties:

27 (1) For a first offense, a warning that includes an explanation, both orally and in
28 writing, of the purposes of the TANF program and a clear delineation of those
29 items for which TANF benefits may not be expended;

30 (2) For a 2nd offense, a period of disqualification for benefits that does not
31 exceed 3 months; and

32 (3) For a 3rd and subsequent offense, a period of disqualification for benefits that
33 does not exceed 6 months.

34 The department may disqualify an eligible recipient only after notice and opportunity
35 for a hearing pursuant to rules adopted by the department.

1 education program for recipients of benefits under the Temporary Assistance for Needy
2 Families program that emphasizes that those benefits are to be used for supporting
3 dependent children and are not to be used to pay for tobacco products, liquor products,
4 gambling activities or lotteries. It establishes penalties for benefit recipients who
5 knowingly make a purchase prohibited by statute. In addition, the Department of Health
6 and Human Services must collect information on the use of Temporary Assistance for
7 Needy Families program benefits for tobacco and liquor products, gambling activities and
8 lotteries. The department is required to report its findings, including recommendations
9 and suggested legislation, to the joint standing committee of the Legislature having
10 jurisdiction over health and human services matters no later than March 15, 2017.