

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND TWELVE

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**Sec. 2.** 22 MRSA §3107, as enacted by PL 1989, c. 777, is repealed and the following enacted in its place: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

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In House of Representatives, ..... 2012

Read twice and passed to be enacted.

..... Speaker

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In Senate, ..... 2012

Read twice and passed to be enacted.

..... President

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Approved ..... 2012

..... Governor