

Notice of Agency Rule-making Adoption

MAPA 4

AGENCY: Department of Health and Human Services, Office for Family Independence

CHAPTER NUMBER AND TITLE: 10-144 C.M.R. Chapter 301; Supplemental Nutrition Assistance Program (SNAP) Rules; Sections 777-4 and 999-1

SNAP Rule #229A – Electronic Benefit Theft

ADOPTED RULE NUMBER:

CONCISE SUMMARY: Pursuant to the Consolidated Appropriations Act 2023 (CAA 2023), Public Law 117-328, Division HH, Title IV § 501, EBT Benefit Fraud Prevention requirements, the Department adopts changes to the SNAP Manual, Section 777-4 to align with the requirements of the CAA 2023. The adopted rule changes provide clarity on the Department’s procedure and timeframes for replacement of SNAP benefits determined to have been stolen through card skimming, card cloning, or similar fraudulent methods. The U.S.D.A. – Food and Nutrition Services approved the Department’s Plan for the Replacement of Electronically Stolen EBT Benefits on August 10, 2023, retroactive to October 1, 2022. This rule change is effective retroactive to October 1, 2022. Retroactive rulemaking is permissible under 22 M.R.S. § 42(8) as this update provides a benefit to SNAP recipients or beneficiaries and does not adversely impact applicants, participants, beneficiaries, or providers.

In addition, definitions for Card Cloning, Card Skimming, and Phishing are added to Section 999-1.

The Department determined it necessary to make non-substantial changes to the final rule. The changes provide clarity to PROCEDURES FOR REPLACING BENEFITS STOLEN ELECTRONICALLY. These non-substantial changes include:

- 777-4 (3)(B) replaces must with shall.
- 777-4 (3)(D) removes appropriate and adds if applicable.
- 777-4 (3)(H) is a typo and is corrected to 777-4 (3)(G).

See <https://www.maine.gov/dhhs/about/rulemaking> for rules and related rulemaking documents.

EFFECTIVE DATE: January 28, 2024

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