

## STATE OF MAINE

—  
 IN THE YEAR OF OUR LORD  
 TWO THOUSAND AND THIRTEEN

—  
 H.P. 991 - L.D. 1388

**An Act To Clarify Civil Liability of Persons Making False Claims to the  
 Department of Health and Human Services**

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

**Sec. 1. 22 MRSA §15, first ¶**, as amended by PL 1995, c. 191, §1, is further amended to read:

Any person, firm, association, partnership, corporation or other legal entity who makes or causes to be made or presents or causes to be presented for payment or approval any claim upon or against the department or upon any funds administered by the department, knowing such claim to be materially false, fictitious or fraudulent, or who, ~~for the purpose of obtaining or aiding another to obtain the payment or approval of such a claim,~~ knowingly makes any false written statement or knowingly submits any false document ~~that the person does not believe to be true,~~ material to a false, fictitious or fraudulent claim or who knowingly enters into any agreement, combination or conspiracy to defraud the department by obtaining the payment or approval of any materially false, fictitious or fraudulent claim, ~~shall~~ or who knowingly makes or causes to be made a false written statement or record material to an obligation to pay or transmit money or property to the department or knowingly conceals or knowingly and improperly materially avoids or materially decreases an obligation to pay or transmit money or property to the department is, in addition to any criminal liability that may be provided by law, ~~be~~ subject to civil suit by this State in the Superior Court for recovery of civil penalties to include the following:

**Sec. 2. 22 MRSA §15**, as amended by PL 1995, c. 191, §§1 to 4, is further amended by adding at the end a new paragraph to read:

For purposes of this section, "knowing" or "knowingly" means that, with respect to information, a person has actual knowledge of the information, acts in deliberate ignorance of the truth or falsity of the information or acts in reckless disregard of the truth or falsity of the information. A person may act knowingly without specific intent to defraud.