

# MAINE STATE LEGISLATURE

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L.D. 266

(Filing No. H- 404 )

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
112TH LEGISLATURE  
FIRST REGULAR SESSION

HOUSE AMENDMENT "*A*" to COMMITTEE AMENDMENT "A"  
to S.P. 85, L.D. 266, Bill, "AN ACT to Modify Inequitable Income Eligibility Guidelines in the Elderly Householders Tax and Rent Refund Act and to Increase Income Eligibility to Conform with Other Federally Established Poverty Levels."

Amend the amendment by inserting before the fiscal note the following:

'Sec. 3. 36 MRSA §6162, 2nd ¶, as enacted by PL 1979, c. 726, §7, is repealed and the following enacted in its place:

An individual who fails to meet the income criteria established in this section, but is otherwise eligible, shall become eligible for the Elderly Low Cost Drug Program if the Department of Human Services determines that his income for the 30-day period prior to application for the Elderly Low Cost Drug Program is not in excess of 1/12 of the income limitation established in section 6108. This eligibility shall terminate if the individual's income exceeds 1/12 of the income limitation established in section 6108 for any successive 30-day period. Individuals becoming eligible for the Elderly Low Cost Drug Program under this paragraph are required to report any changes in income to the Department of Human Services.

The eligibility decision, made by the State Tax Assessor or his designee or the Department of Human Services, shall be final, subject to appeal in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375.'

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STATEMENT OF FACT

2           Currently, eligibility for the Elderly Low Cost  
3 Drug Program is determined by the same age and income  
4 criteria as the Elderly Householders Tax and Rent Re-  
5 fund Act. The Elderly Householders Tax and Rent Re-  
6 fund Act determines eligibility based on an  
7 individual's income for the previous year. While  
8 this may be satisfactory for the Rent Refund Program,  
9 it creates a hardship for our elderly who have in-  
10 curred a sudden or significant loss of income in the  
11 current year. An elderly person is not eligible for  
12 needed medication if his last year's income was in  
13 excess of the income limitation of the Rent Refund  
14 Program, even though his current income is well below  
15 the income limitation.

16           This amendment corrects that inequity by allowing  
17 an individual who meets all the other eligibility  
18 criteria to participate in the Elderly Low Cost Drug  
19 Program if his current income would qualify. That  
20 determination is initially made based on his income  
21 from the previous 30 days. If at any time his income  
22 exceeds the guidelines, he will lose his eligibility.

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Filed by Rep. Vose of Eastport  
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Clerk of the House

6/13/85

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