

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 303

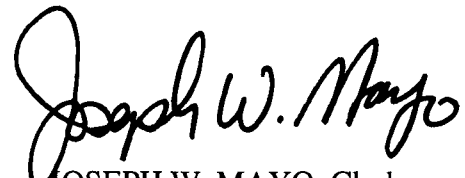
H.P. 225

House of Representatives, January 27, 1995

**An Act to Require the Department of Human Services to Pursue Federal  
Waivers Concerning Medicaid Eligibility.**

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Reference to the Committee on Human Resources suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative KERR of Old Orchard Beach.  
Cosponsored by Senator HANLEY of Oxford and  
Representatives: JOSEPH of Waterville, MORRISON of Bangor.

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

2  
4       **Sec. 1. 22 MRSA §3174-G**, as enacted by PL 1989, c. 502, Pt. A, §72, is amended to read:

6       **§3174-G. Medicaid coverage of certain elderly and**  
8               **disabled individuals, children and pregnant**  
              **women**

10       **1. Delivery of services.** The department shall provide for  
12       the delivery of federally-approved Medicaid services as specified  
14       in a Medicaid plan approved by the federal Department of Health  
16       and Human Services to qualified pregnant women up-to-60-days  
18       following-delivery and infants up-to-one-year-of-age when the  
20       woman's or child's family income is below 185% of the nonfarm  
22       income official poverty line and children under 5 years of age  
24       and qualified elderly and disabled persons, when the child's or  
      person's family income is below 100% of the nonfarm income  
      official poverty line. The official poverty line ~~shall-be~~ is  
      that applicable to a family of the size involved, as defined by  
      the Federal Office of Management and Budget and revised annually  
      in accordance with the United States Omnibus Budget  
      Reconciliation Act of 1981, Section 673, Subsection 2. These  
      services ~~shall-be~~ are effective October 1, 1988.

26       **2. Resource test.** The department ~~may-not~~ shall apply a  
28       resource test to those children and pregnant women who are made  
30       eligible under this section, ~~unless-these-persons-also-receive~~  
      Aid ~~to-Families-with-Dependent-Children-or-United-States~~  
      Supplemental-Security-Income-benefits.

32       **3. Benefits authorized.** The scope of medical assistance to  
34       be provided within this section ~~shall-be~~ is that authorized by  
36       the Federal Sixth Omnibus Budget Reconciliation Act, Public Law  
      99-509 or otherwise approved by the federal Department of Health  
      and Human Services.

38       **Sec. 2. 22 MRSA §3174-O** is enacted to read:

40       **§3174-O. Financial Medicaid-eligibility determinations for**  
42               **applicants to nursing homes**

44       **1. Vehicle exemption.** The department shall adopt the  
46       federal social security income standard stipulating the maximum  
      value of a vehicle that can be exempted for the purpose of  
      determining Medicaid eligibility for nursing facility services.

48       **2. Out-of-state property.** For the purpose of determining  
50       Medicaid eligibility for nursing facility services, the  
52       department may not exempt the value of an out-of-state residence  
      of a person on the basis of that person's intent to return to  
      that residence.

