

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1

L.D. 169

2

Date: 5/9/25

(Filing No. H-129)

SAK
ROS

HEALTH AND HUMAN SERVICES

4

Reproduced and distributed under the direction of the Clerk of the House.

5

STATE OF MAINE

6

HOUSE OF REPRESENTATIVES

7

132ND LEGISLATURE

8

FIRST SPECIAL SESSION

9

COMMITTEE AMENDMENT "A" to H.P. 102, L.D. 169, "An Act to Amend the Laws Regarding Estate Recovery and Planning for Long-term Care"

10

11

Amend the bill by striking out the title and substituting the following:

12

'Resolve, Establishing the Commission to Study MaineCare Estate Recovery'

13

Amend the bill by striking out everything after the title and inserting the following:

14

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

15

16

Whereas, this legislation establishes the Commission to Study MaineCare Estate Recovery; and

17

18

Whereas, this legislation must take effect before the expiration of the 90-day period so that the commission may meet in a timely manner and make its report to the Legislature; and

19

20

21

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

22

23

24

25

Sec. 1. Commission established. Resolved: That the Commission to Study MaineCare Estate Recovery, referred to in this resolve as "the commission," is established.

26

27

Sec. 2. Commission membership. Resolved: That, notwithstanding Joint Rule 353, the commission consists of 10 members as follows:

28

29

1. Four members appointed by the President of the Senate, including:

30

A. Two members of the Senate, including a member from each of the 2 parties holding the largest number of seats in the Legislature;

31

32

B. One member representing an organization that advocates for the rights of elderly individuals; and

33

COMMITTEE AMENDMENT

ROS

- 1 C. One member who is an attorney who specializes in long-term care planning;
- 2 2. Four members appointed by the Speaker of the House of Representatives, including:
 - 3 A. Two members of the House of Representatives, including a member from each of
 - 4 the 2 parties holding the largest number of seats in the Legislature;
 - 5 B. One member who is an individual with lived experience navigating the MaineCare
 - 6 estate recovery procedures; and
 - 7 C. One member who is an individual representing an organization that advocates for
 - 8 the rights of individuals with disabilities;
- 9 3. The Commissioner of Health and Human Services or the commissioner's designee;
- 10 and
- 11 4. The long-term care ombudsman established pursuant to the Maine Revised Statutes,
- 12 Title 22, section 5106, subsection 11-C or the ombudsman's designee.

13 **Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair

14 and the first-named House of Representatives member is the House chair of the

15 commission.

16 **Sec. 4. Appointments; convening of commission. Resolved:** That all

17 appointments must be made no later than 30 days following the effective date of this

18 resolve. The appointing authorities shall notify the Executive Director of the Legislative

19 Council once all appointments have been completed. After appointment of all members,

20 the chairs shall call and convene the first meeting of the commission. If 30 days or more

21 after the effective date of this resolve a majority of but not all appointments have been

22 made, the chairs may request authority and the Legislative Council may grant authority for

23 the commission to meet and conduct its business.

24 **Sec. 5. Duties. Resolved:** That the commission shall study issues associated with

25 the MaineCare estate recovery procedures, including:

- 26 1. A review of the history of the MaineCare estate recovery procedures and review of
- 27 the reasons behind the establishment of the procedures as they exist currently;
- 28 2. An examination of allowable flexibilities in the administration of Medicaid estate
- 29 recovery procedures, including any possible Medicaid waivers;
- 30 3. A review of estate recovery models employed by other states; and
- 31 4. An examination of best practices and innovations in Medicaid estate recovery.

32 The commission shall develop recommendations for reforms to the MaineCare estate

33 recovery procedures.

34 **Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide

35 necessary staffing services to the commission, except that Legislative Council staff support

36 is not authorized when the Legislature is in regular or special session.

37 **Sec. 7. Report. Resolved:** That, no later than December 3, 2025, the commission

38 shall submit a report that includes its findings and recommendations, including suggested

39 legislation, to the Joint Standing Committee on Health and Human Services. The

40 committee may introduce legislation related to the report of the commission to the Second

41 Regular Session of the 132nd Legislature.

ROS²₃

34

5

6
7
8
9
10
11
12
13
14
15
16

17

18



132nd MAINE LEGISLATURE

LD 169

LR 275(02)

An Act to Amend the Laws Regarding Estate Recovery and Planning for Long-term Care

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-129)

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

Legislative Cost/Study

Legislative Cost/Study

The general operating expenses of this study are projected to be \$3,050 in fiscal year 2025-26. The Legislature's proposed budget for the 2026-2027 biennium includes \$22,196 in each of fiscal years 2025-26 and 2026-27 for the costs of legislative studies, as well as \$8,265 in projected balances from fiscal year 2024-25 and \$33,073 of balance carried over from prior years for this purpose. Whether these amounts are sufficient to fund all studies will depend on the number of studies authorized by the Legislative Council and the Legislature. The additional costs of providing staffing assistance to the study during the interim can be absorbed utilizing existing budgeted staff resources.

Fiscal Detail and Notes

Any additional costs to the Department of Health and Human Services to take part in a study commission are expected to be minor and can be absorbed within existing budgeted resources.