

MAINE STATE LEGISLATURE

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Date: 2/11/25

(Filing No. S- 4)

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STATE OF MAINE
SENATE
132ND LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT "D" to COMMITTEE AMENDMENT "A" to H.P. 131, L.D. 209, "An Act to Make Supplemental Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2025"

Amend the amendment by inserting after Part X the following:

'PART Y

Sec. Y-1. 22 MRSA §3197 is enacted to read:

§3197. Able-bodied, childless adults; temporary enrollment freeze; permanent enrollment cap

Notwithstanding any provision of law to the contrary, the following provisions apply to Medicaid enrollment levels for enrollees who are classified as able-bodied, childless adults.

1. Temporary enrollment freeze. Contingent on approval of a Section 1115 demonstration waiver under the United States Social Security Act from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services, within 30 days of the effective date of this section, the total number of MaineCare enrollees classified as able-bodied, childless adults that may be enrolled in the MaineCare program must be frozen and the enrollment level may not be increased. New enrollments of able-bodied, childless adults may not be made until the department has certified that the total enrollment in this category has been reduced by 10% from the level of enrollment at the date enrollment is frozen under this subsection.

2. Enrollment reduction. When an enrollee becomes ineligible for MaineCare coverage, that enrollee may not be automatically reenrolled. When an enrollee's eligibility lapses due to income increase, employment or failure to renew enrollment, that enrollee's spot in the program may not be filled by a new enrollee. The department shall prioritize program integrity measures to remove ineligible enrollees.

3. Lifting enrollment freeze; permanent enrollment cap. When the total enrollment of able-bodied, childless adults has declined by 10% from the number of enrollments at the time of the enrollment freeze pursuant to subsection 1, the reduced level of enrollment is

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1 established as a new permanent cap on the level of enrollment for able-bodied, childless
2 adults. The enrollment cap established pursuant to this section may not be exceeded unless
3 the Legislature specifically authorizes it.

4 4. Legislative oversight; quarterly progress reports; additional program integrity
5 measures. Beginning 3 months after the effective date of this section, the department shall
6 submit quarterly reports to the Legislature detailing the department's efforts to reduce the
7 enrollment levels of able-bodied, childless adults under subsection 2. If the Legislature
8 determines that the department has failed to make meaningful progress, the Legislature
9 may impose additional program integrity measures to ensure compliance.

10 **Sec. Y-2. MaineCare enrollment freeze; Department of Health and Human**
11 **Services to request waiver.** No later than April 1, 2025, the Department of Health and
12 Human Services shall request federal approval from the United States Department of
13 Health and Human Services, Centers for Medicare and Medicaid Services for a Section
14 1115 demonstration waiver under the United States Social Security Act that would
15 temporarily freeze MaineCare enrollment for able-bodied, childless adults, reduce
16 enrollment in that category over time and create a permanent enrollment cap at the reduced
17 enrollment level after the freeze is lifted. If the waiver is approved, the department shall
18 adopt rules to implement the enrollment freeze no later than 90 days after approval. Rules
19 adopted pursuant to this section are routine technical rules as defined in the Maine Revised
20 Statutes, Title 5, chapter 375, subchapter 2-A.

21 **Sec. Y-3. Contingent effective date.** That section of this Part that enacts the Maine
22 Revised Statutes, Title 22, section 3197 does not take effect unless approval of a Section
23 1115 demonstration waiver pursuant to section 2 of this Part is received, but no earlier than
24 July 1, 2025.

25 The Commissioner of Health and Human Services shall notify the Secretary of State, the
26 Secretary of the Senate, the Clerk of the House and the Revisor of Statutes when approval
27 sought under section 2 of this Part is received.'

28 Amend the amendment by relettering or renumbering any nonconsecutive Part letter or
29 section number to read consecutively.

30 **SUMMARY**

31 This amendment requires the Department of Health and Human Services to request a
32 demonstration waiver from the United States Department of Health and Human Services,
33 Centers for Medicare and Medicaid Services to place a freeze on the level of MaineCare
34 enrollment by enrollees who are able-bodied, childless adults. If the waiver is approved,
35 the amendment would require a freeze on enrollment for this classification of enrollees
36 within 30 days of the effective date of the amendment and require the department to
37 gradually reduce enrollment by 10%. When enrollment has been reduced by 10%, the level
38 of enrollment at that time becomes the new permanent cap on enrollment for that
39 classification of enrollees and the freeze is lifted. The department must submit to the
40 Legislature quarterly reports of its progress in reducing enrollment. If the department's

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SENATE AMENDMENT "D" to COMMITTEE AMENDMENT "A" to H.P. 131, L.D. 209 (S-4)

1 progress is not satisfactory, the Legislature may impose additional program integrity
2 measures to ensure compliance.

3 SPONSORED BY: _____

4 (Senator STEWART, T.)

5 COUNTY: Aroostook

FISCAL NOTE REQUIRED
(See attached)



Approved: 02/10/25 **LRL**

132nd MAINE LEGISLATURE

LD 209

LR 2408(23)

An Act to Make Supplemental Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2025

Fiscal Note for Senate Amendment "D" to Committee Amendment "A" (S-4)

Sponsor: Sen. Stewart of Aroostook

Fiscal Note Required: Yes

Fiscal Note

Contingent current biennium savings - General Fund

Fiscal Detail and Notes

The amendment requires the Department of Health and Human Services to, no later than April 1, 2025, request federal approval from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services for a Section 1115 demonstration waiver that would freeze Mainecare enrollment and create an enrollment cap. If this waiver is approved, there would be savings in the Mainecare program, as some newly eligible individuals would not be added to the program and members who become ineligible would be removed from the program. The amount and timing of these contingent savings are not yet determined.