

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**  
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE  
AT THE

SECOND REGULAR SESSION

January 4, 1978 to April 6, 1978

FIRST SPECIAL SESSION

(No laws enacted)

September 6, 1978 to September 15, 1978

SECOND SPECIAL SESSION

October 18, 1978

THIRD SPECIAL SESSION

December 6, 1978

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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1979

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**  
AS PASSED AT THE  
**SECOND REGULAR SESSION**  
of the  
ONE HUNDRED AND EIGHTH LEGISLATURE  
January 4, 1978 to April 6, 1978

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## CHAPTER 717

### AN ACT to Increase State Reimbursement for the Net Costs of Local General Assistance.

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

Sec. 1. 22 MRSA § 4499, first sentence, as last amended by PL 1977, c. 417, § 10, is further amended to read:

When a municipality incurs net general assistance costs in any fiscal year in excess of ~~.0006~~ .0003 of that municipality's state valuation as determined by the State Tax Assessor in the statement filed by him as provided in Title 36, section 381, the Department of Human Services shall reimburse the municipality for 90% of the amount in excess of such expenditures which the department considers to be reasonable and appropriate.

Sec. 2. **Appropriation.** The following funds shall be appropriated from the General Fund to carry out the purposes of this Act:

	<b>1978-1979</b>
<b>HUMAN SERVICES, DEPARTMENT OF</b>	
General Assistance	
All other	\$846,052

Sec. 3. **Effective Date.** This Act shall become effective on July 1, 1978.

Effective July 1, 1978

## CHAPTER 718

### AN ACT to Expand the Elderly Low Cost Drug Program.

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

Sec. 1. 22 MRSA § 254, sub-§ 2, as enacted by PL 1975, c. 619, § 1, is repealed and the following enacted in its place:

2. **Individuals eligible for participation.** Eligibility status of individuals shall be determined by the State Tax Assessor pursuant to Title 36, Part 9-A;

Sec. 2. 36 MRSA § 6121, sub-§ 5, as enacted by PL 1977, c. 345, is repealed.

Sec. 3. 36 MRSA Pt. 9-A is enacted to read:

**PART 9-A  
CHAPTER 903**

**ELDERLY LOW COST DRUG ELIGIBILITY**

**§ 6151. Purpose.**

The purpose of this Part is to determine and certify the eligibility status of individuals for the elderly low cost drug program.

**§ 6152. Administration.**

The State Tax Assessor shall make available suitable applications with instructions for applicants. The application shall be in such form as the State Tax Assessor may prescribe and shall be signed under the pains and penalties of perjury. The funds for the administration of this Part shall be appropriated under the Elderly Householders Tax and Rent Refund Act. The State Tax Assessor shall accept applications for eligibility throughout the year and no application shall be denied on the basis that an application was not submitted before a deadline set by the State Tax Assessor.

**§ 6153. Eligibility criteria**

All individuals are to be eligible for the elderly low cost drug program, Title 22, section 254, if they meet the age and income criteria for Elderly Householders Tax and Rent Refund Act and are legal residents of Maine at the time the application is filed, except that individuals receiving state supplemental income benefits or relinquishing residency shall invalidate their eligibility.

**§ 6154. Appeal**

The eligibility decision shall be final agency action subject to appeal in accordance with the Maine Administrative Procedure Act.

**§ 6155. Certification**

The State Tax Assessor shall annually issue an identification certificate to eligible applicants. The certificate shall be valid for the 15-month period beginning October 1st of the current calendar year through December 31st of the following year.

Sec. 4. Appropriation. The following funds shall be appropriated from the General Fund to carry out the purposes of this Act:

FINANCE AND ADMINISTRATION,  
DEPARTMENT OF  
Bureau of Taxation

1978-79

Elderly Householders Tax and Rent Refund	
Personal Services	(3) \$ 35,000
HUMAN SERVICES, DEPARTMENT OF	
Elderly low cost drug program	
All Other	665,000

The amounts appropriated are not to be used if funds become available from the Federal Government under a pilot project for elderly low cost drugs. If the federal funds become available, the appropriations in this Act shall lapse to the General Fund.

Effective July 6, 1978

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## CHAPTER 719

### AN ACT to Allow Intermediate Care Facilities to be Reimbursed under the Medically Needy Program.

**Emergency Preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, health care needs constitute the single largest problem for Maine's elderly; and

Whereas, some older citizens who do not qualify for Medicaid due to the level of their retirement incomes are unable to afford the cost of medically necessary nursing home care; and

Whereas, general assistance programs in many municipalities are unwilling or unable to pay for such cost; and

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 enacted by the People of the State of Maine, as follows:**

**Sec. 1.** 22 MRS § 3173-A is enacted to read: