

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 2023

H. P. 1944

Office of the Clerk of the House.

Governor's Bill. The Committee on Health and Institutional Services suggested.

EDWIN H. PERT, Clerk

Presented by Mr. Stubbs of Hallowell.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

AN ACT Relating to Transfer of Property for Certain Recipients of Medical Care.

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

Sec. 1. 22 MRSA § 3174, sub-§§ 2 and 3, as enacted by PL 1973, c. 790, § 2, are amended to read:

2. Residence. Is living in the State at the date of the application; ~~and~~

3. Inmate. Is not an inmate of any public institution, except as a patient in a medical institution, but an inmate of such an institution may file application for aid and any allowance made thereon shall take effect and be paid upon his ceasing to be an inmate of such institution; **and**

Sec. 2. 22 MRSA § 3174, sub-§ 4 is enacted to read:

4. Transfer property. Has not transferred real or personal property, or any interest therein, without reasonable consideration within 2 years of the date of application for aid in the form of medical assistance for intermediate care or extended care benefits. Reasonable consideration means reasonable in comparison to the value of the property at the time of transfer.

STATEMENT OF FACT

It is possible that the medical care programs financed with state and federal money pay for nursing care in behalf of persons who have sufficient finances of their own to pay for part or all of the stay in an intermediate care or extended care facility. In order to be eligible for the medical care benefits, they can transfer to a relative or friend the real or personal property which would make them ineligible for these benefits. It is the intent of this legislation to eliminate that possibility.