

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 430

H.P. 331 House of Representatives, February 19, 1987  
On Motion of Representative CARTER of Winslow referred to  
the Committee on Appropriations and Financial Affairs. Sent  
up for concurrence and ordered printed.

EDWIN H. PERT, Clerk  
Presented by Speaker MARTIN of Eagle Lake.

Cosponsored by Representatives GWADOSKY of Fairfield,  
CARTER of Winslow and Senator GAUVREAU of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT to Provide for a Self-sufficiency  
2 Trust of Funds for the Developmentally  
3 Disabled.  
4

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

7 34-B MRSA c. 1, sub-c. II-A is enacted to read:

8 SUBCHAPTER II-A

9 FUNDS FOR THE DEVELOPMENTALLY DISABLED

10 §1231. Self-sufficiency trust fund

11 1. Trust established. There is created the  
12 Self-sufficiency Trust Fund. The State Treasurer, ex  
13 officio, shall be custodian of the trust fund and the

1 comptroller shall direct payments from the trust fund  
2 upon vouchers properly certified by the Commissioner  
3 of Mental Health and Mental Retardation. The trea-  
4 surer shall credit interest on the trust fund to the  
5 trust fund and the commissioner shall allocate that  
6 interest pro rata to the respective accounts of the  
7 named beneficiaries of the trust fund.

8 A. For the purposes of this section, the term  
9 "self-sufficiency trust" means a trust created by  
10 a nonprofit corporation which is a 501-C-3 orga-  
11 nization under the United States Internal Revenue  
12 Code of 1954 and which was organized under the  
13 Nonprofit Corporation Act, Title 13-B, for the  
14 purpose of providing for the care, support or  
15 treatment of one or more developmentally disabled  
16 persons or persons otherwise eligible for depart-  
17 ment services.

18 2. Rules. The department shall adopt these  
19 rules and procedures under the Maine Administrative  
20 Procedure Act, Title 5, chapter 375, as may be neces-  
21 sary or useful for the administration of the trust  
22 fund.

23 §1232. Administration of fund

24 1.Naming beneficiaries. The Department of Mental  
25 Health and Mental Retardation may accept money from a  
26 self-sufficiency trust for deposit in the trust fund  
27 pursuant to an agreement with the trust naming one or  
28 more beneficiaries who are developmentally disabled  
29 persons or persons otherwise eligible for department  
30 services residing in this State and specifying the  
31 care, support or treatment to be provided for them.  
32 The department shall maintain a separate account in  
33 the trust fund for each named beneficiary.

34 2. Care and support of beneficiaries. The money  
35 in these accounts shall be spent by the department,  
36 pursuant to its rules, only to provide care, support  
37 and treatment for the named beneficiaries in accord-  
38 ance with the terms of the agreement.

39 3.Return of money. In the event that the direc-  
40 tor determines that the money in the account of a  
41 named beneficiary cannot be used for the care, sup-

1 port or treatment of the beneficiary in a manner con-  
2 sistent with the rules of the department and the  
3 agreement, or upon request of the self-sufficiency  
4 trust, the remaining money in that account, together  
5 with any accumulated interest on that account, shall  
6 be promptly returned to the self-sufficiency trust  
7 which deposited the money in the trust fund.

8 4. Other benefits not affected. The receipt by  
9 a beneficiary of money from the trust fund, or of  
10 care, treatment or support provided with that money,  
11 shall not in any way reduce, impair or diminish the  
12 benefits to which the beneficiary is otherwise enti-  
13 tled by law.

14 §1233. Special fund in the State Treasury

15 The fund for the developmentally disabled is cre-  
16 ated as a special fund the the State Treasury. The  
17 director may accept money from any source for deposit  
18 into the fund. The money in the fund shall be used  
19 by the department, subject to a appropriation, for  
20 the purpose of providing for the care, support and  
21 treatment of low-income developmentally disabled per-  
22 sons, or low-income persons otherwise eligible for  
23 department services, as defined by the department.

24 STATEMENT OF FACT

25 This bill establishes a self-sufficiency trust  
26 fund for the developmentally disabled.

27 0332021087