

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)



118th MAINE LEGISLATURE

SECOND REGULAR SESSION-1998

Legislative Document

No. 1966

S.P. 724

In Senate, January 8, 1998

**An Act Regarding the Spousal Allowance for Divorced Spouses of
Nursing Home Care Recipients Receiving Medicaid.**

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator CATHCART of Penobscot.
Cosponsored by Representative HATCH of Skowhegan and
Senators: MILLS of Somerset, PINGREE of Knox.

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

4
6 **Whereas,** current Medicaid eligibility rules make some
persons ordered to pay spousal allowances ineligible for Medicaid
service; and

8
10 **Whereas,** those persons must choose between paying
court-ordered spousal allowance or receiving needed medical care;
and

12
14 **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
16 necessary for the preservation of the public peace, health and
safety; now, therefore,

18
20 **Be it enacted by the People of the State of Maine as follows:**

22 **Sec. 1. 22 MRSA §3174-R is enacted to read:**

24 **§3174-R. Availability of income between divorced spouses in
determination of eligibility**

26 Notwithstanding the other provisions of this chapter, for
28 the purpose of determining medical indigency and eligibility for
assistance for an individual residing or about to reside in an
30 institution eligible for Medicaid participation, income may not
be considered to be available to that individual to the extent
32 that the applicant is required by a court order to pay alimony or
spousal support to a former spouse.

34 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.

36
38 **SUMMARY**

40 This bill provides that income that is required to pay
court-ordered alimony or spousal support may not be considered
42 available for purposes of Medicaid eligibility for institutional
care.