

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 858

H.P. 618

House of Representatives, February 2, 1999

An Act to Increase Eligibility for the Elderly Low-cost Drug Program.

(EMERGENCY)

Reference to the Committee on Taxation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative McNEIL of Rockland.
Cosponsored by Senator AMERO of Cumberland and
Representatives: CIANCHETTE of South Portland, COLLINS of Wells, GERRY of Auburn,
MAYO of Bath, PLOWMAN of Hampden, POWERS of Rockport, TRUE of Fryeburg,
Senator: 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, lack of access to necessary prescription drugs
endangers the health of Maine citizens on a daily basis; and

8 Whereas, increasing the number of citizens eligible for the
elderly low-cost drug program will increase the health and
10 well-being of the State of Maine; and

12 Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
14 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
16 safety; now, therefore,

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

20 **Sec. 1. 22 MRSA §254, sub-§2,** as amended by PL 1983, c. 290,
is repealed and the following enacted in its place:

22 **2. Individuals eligible for participation.** An individual
24 is eligible under this program if the household income, as
defined in Title 36, section 6201, subsection 7, is less than or
26 equal to 185% of the nonfarm income official poverty line. The
official poverty line is that applicable to a household of the
28 size involved, as defined by the federal Office of Management and
Budget and revised annually in accordance with the United States
30 Omnibus Budget Reconciliation Act of 1981, Section 673,
Subsection 2. Individuals are also eligible for this program if
32 the household spends at least 25% of its income on unreimbursed
direct medical expenses for prescription drugs and the household
34 income is not more than 25% higher than the levels specified in
this subsection. For the purposes of this chapter, the cost of
36 drugs provided to a household under this chapter is considered a
cost spent by the household for eligibility determination
38 purposes.

40 **Sec. 2. 36 MRSA §6162-A, sub-§2,** as amended by PL 1997, c.
643, Pt. RR, §6, is further amended to read:

42 **2. Income.** Eligibility for this program is determined by
44 ~~the same income levels as eligibility for elderly households is~~
~~determined under chapter 907, except that individuals are also~~
46 ~~eligible for this program if the household spends at least 40% of~~
~~its income on unreimbursed direct medical expenses for~~
48 ~~prescription drugs and the household income is not more than 25%~~
~~higher than the levels specified in chapter 907 according to~~
50 ~~Title 22, section 254, subsection 2. For the purposes of this~~
~~subsection, the costs of drugs provided to a household under this~~

chapter--is--considered--a--cost--spent--by--the--household--for
eligibility-determination-purposes.

Sec. 3. 36 MRSA §6162-A, sub-§6, as enacted by PL 1987, c.
528, §2, is repealed.

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

SUMMARY

This bill expands eligibility for the elderly low-cost drug
program to 150% of the federal poverty line. It preserves the
provisions that allow eligibility to be determined in part on the
cost of prescription drugs.