

MAINE STATE LEGISLATURE

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STATE OF MAINE

SENATE

124TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 129, L.D. 365, Bill, "An Act To Amend the Laws Governing MaineCare Estate Recovery Undertaken by the Department of Health and Human Services"

Amend the bill by striking out all of section 3 and inserting the following:

'Sec. 3. 22 MRSA §14, sub-§2-I, ¶F, as enacted by PL 1993, c. 707, Pt. I, §1, is amended to read:

F. As used in this subsection, unless the context otherwise indicates, the term "estate" means:

(1) All real and personal property and other assets included in the recipient's estate, as defined in Title 18-A, section 1-201; and

(2) Any other real and personal property and other assets in which the recipient had any legal interest at the time of death, to the extent of that interest, including assets conveyed to a survivor, heir or assign of the deceased recipient through tenancy in common, survivorship, life estate, living trust, joint tenancy in personal property or other arrangement but not including joint tenancy in real property.'

SUMMARY

This amendment deletes the proposed changes to the definition of "estate" for the purposes of recovery by the Department of Health and Human Services for MaineCare expenditures and instead specifies that joint tenancies in real property are not included in the decedent's estate for these purposes.

COMMITTEE AMENDMENT