

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2014

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Legislative Document

No. 1857

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H.P. 1344

House of Representatives, April 10, 2014

**An Act To Expand Services to Persons Who Are Disabled or Elderly  
on Wait Lists by Reducing Revenue Sharing**

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Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative AYOTTE of Caswell. (GOVERNOR'S BILL)

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

2 **Sec. 1. 30-A MRSA §5681, sub-§5-C**, as amended by PL 2013, c. 368, Pt. J, §1,  
3 is further amended to read:

4 **5-C. Transfers to General Fund.** For the months beginning on or after July 1,  
5 2009, \$25,383,491 in fiscal year 2009-10, \$38,145,323 in fiscal year 2010-11,  
6 \$40,350,638 in fiscal year 2011-12, \$44,267,343 in fiscal year 2012-13, \$73,306,246 in  
7 fiscal year 2013-14 and ~~\$85,949,391~~ \$103,949,391 in fiscal year 2014-15 from the total  
8 transfers pursuant to subsection 5 must be transferred to General Fund undedicated  
9 revenue. The amounts transferred to General Fund undedicated revenue each fiscal year  
10 pursuant to this subsection must be deducted from the distributions required by  
11 subsections 4-A and 4-B based on the percentage share of the transfers to the Local  
12 Government Fund pursuant to subsection 5. The reductions in this subsection must be  
13 allocated to each month proportionately based on the budgeted monthly transfers to the  
14 Local Government Fund as determined at the beginning of the fiscal year.

15 **Sec. 2. Legislative intent for future allocations.** Notwithstanding any  
16 provision of law to the contrary, it is the intent of the Legislature that, beginning with the  
17 2016-2017 biennium, funding above the level of funding provided in fiscal year 2013-14  
18 for the following come from the savings achieved by eliminating eligibility for the  
19 MaineCare program for parents with a household income equal to or greater than 100%  
20 of the nonfarm income official federal poverty level:

21 1. Community-based services provided under Chapter 101: MaineCare Benefits  
22 Manual, Chapter II, Sections 21 and 29 and Chapter III, Sections 21 and 29;

23 2. Homemaker services, home-based care and consumer-directed home-based care;  
24 and

25 3. Brain injury residential and community services waiver in the MaineCare  
26 program.

27 **Sec. 3. Appropriations and allocations.** The following appropriations and  
28 allocations are made.

29 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY BDS)**

30 **Developmental Services Waiver - MaineCare 0987**  
31 Initiative: Provides funding on an ongoing basis for the community-based services  
32 provided under Department of Health and Human Services Rule Chapter 101: MaineCare  
33 Benefits Manual, Chapter II, Section 21 and Chapter III, Section 21.

34			
35	<b>GENERAL FUND</b>	<b>2013-14</b>	<b>2014-15</b>
36	All Other	\$0	\$11,235,400
37			
38	<b>GENERAL FUND TOTAL</b>	<u>\$0</u>	<u>\$11,235,400</u>

1           **Developmental Services Waiver - Supports Z006**

2           Initiative: Provides funding on an ongoing basis for the community-based services  
3           provided under Department of Health and Human Services Rule Chapter 101: MaineCare  
4           Benefits Manual, Chapter II, Section 29 and Chapter III, Section 29.

5

6 <b>GENERAL FUND</b>	<b>2013-14</b>	<b>2014-15</b>
7           All Other	\$0	\$4,000,000
8		
9           GENERAL FUND TOTAL	<u>\$0</u>	<u>\$4,000,000</u>

10           **Medicaid Waiver for Brain Injury Residential /Community Serv Z160**

11           Initiative: Provides funding on an ongoing basis for the brain injury residential and  
12           community services waiver in the MaineCare program.

13

14 <b>GENERAL FUND</b>	<b>2013-14</b>	<b>2014-15</b>
15           All Other	\$0	\$1,000,000
16		
17           GENERAL FUND TOTAL	<u>\$0</u>	<u>\$1,000,000</u>

18

19           **HEALTH AND HUMAN SERVICES,**  
20           **DEPARTMENT OF (FORMERLY BDS)**

21 <b>DEPARTMENT TOTALS</b>	<b>2013-14</b>	<b>2014-15</b>
22		
23           GENERAL FUND	\$0	\$16,235,400
24		
25           DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$16,235,400</u>

26           **HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)**

27           **Consumer-directed Services Z043**

28           Initiative: Provides funding on an ongoing basis for consumer-directed home-based care.

29

30 <b>GENERAL FUND</b>	<b>2013-14</b>	<b>2014-15</b>
31           All Other	\$0	\$264,600
32		
33           GENERAL FUND TOTAL	<u>\$0</u>	<u>\$264,600</u>

34           **Long Term Care - Office of Aging and Disability Services 0420**

35           Initiative: Provides funding on an ongoing basis for the independent support services,  
36           homemaker services, program.

37

1	<b>GENERAL FUND</b>	<b>2013-14</b>	<b>2014-15</b>
2	All Other	\$0	\$500,000
3			
4	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$500,000</u>

5 **Long Term Care - Office of Aging and Disability Services 0420**

6 Initiative: Provides funding on an ongoing basis for home-based care.

7			
8	<b>GENERAL FUND</b>	<b>2013-14</b>	<b>2014-15</b>
9	All Other	\$0	\$1,000,000
10			
11	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$1,000,000</u>

12 **Medical Care - Payments to Providers 0147**

13 Initiative: Provides funding on an ongoing basis for the community-based services  
 14 provided under Department of Health and Human Services Rule Chapter 101: MaineCare  
 15 Benefits Manual, Chapter II, Section 29 and Chapter III, Section 29.

16			
17	<b>FEDERAL EXPENDITURES FUND</b>	<b>2013-14</b>	<b>2014-15</b>
18	All Other	\$0	\$6,470,519
19			
20	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$6,470,519</u>

21 **Medical Care - Payments to Providers 0147**

22 Initiative: Provides funding on an ongoing basis for the community-based services  
 23 provided under Department of Health and Human Services Rule Chapter 101: MaineCare  
 24 Benefits Manual, Chapter II, Section 21 and Chapter III, Section 21.

25			
26	<b>FEDERAL EXPENDITURES FUND</b>	<b>2013-14</b>	<b>2014-15</b>
27	All Other	\$0	\$18,174,717
28			
29	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$18,174,717</u>

30 **Medical Care - Payments to Providers 0147**

31 Initiative: Provides funding on an ongoing basis for the brain injury residential and  
 32 community services waiver in the MaineCare program.

33			
34	<b>FEDERAL EXPENDITURES FUND</b>	<b>2013-14</b>	<b>2014-15</b>
35	All Other	\$0	\$1,617,630
36			
37	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$1,617,630</u>

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<b>HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)</b>		
<b>DEPARTMENT TOTALS</b>	<b>2013-14</b>	<b>2014-15</b>
<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$1,764,600</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>\$0</b>	<b>\$26,262,866</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$28,027,466</b>
<b>SECTION TOTALS</b>	<b>2013-14</b>	<b>2014-15</b>
<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$18,000,000</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>\$0</b>	<b>\$26,262,866</b>
<b>SECTION TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$44,262,866</b>

**SUMMARY**

This bill increases funding on an ongoing basis for developmental services waivers under Department of Health and Human Services Rule Chapter 101: MaineCare Benefits Manual, Chapter II, Sections 21 and 29 and Chapter III, Sections 21 and 29 for consumer-directed home-based care and for the brain injury residential and community services waiver. In fiscal year 2014-15, the increased funding is offset by a reduction in the General Fund for municipal revenue sharing. The bill states that, after fiscal year 2014-15, it is the intent of the Legislature that funding for these allocations be paid for by savings achieved in the MaineCare budget as a result of the elimination of eligibility for parents with a household income equal to or greater than 100% of the nonfarm income official federal poverty level.