

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 2154

H.P. 1542

House of Representatives, March 17, 2020

An Act Regarding Asset Tests for Social Services Programs

Reported by Representative HYMANSON of York for the Joint Standing Committee on Health and Human Services pursuant to Resolve 2019, chapter 41, section 1.

Reference to the Committee on Health and Human Services suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

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

2 **Sec. 1. 19-A MRSA §2302, sub-§2**, as amended by PL 2011, c. 550, §1, is
3 further amended to read:

4 **2. Child support obligation during period that obligor is assisted obligor.** For
5 the period during which an obligor is an assisted obligor and for 2 weeks thereafter, the
6 assisted obligor's child support obligation is automatically suspended. At the end of the 2
7 weeks, the obligor's child support obligation resumes automatically at the same level at
8 which it was suspended unless modified by an order entered pursuant to subsection 3.

9 A debt previously incurred under section 2301 may not be collected from a responsible
10 parent while that parent is an assisted obligor, ~~except that such a debt may be collected~~
11 ~~from nonrecurring lump sum income, as defined in Title 22, section 3762, subsection 11,~~
12 ~~paragraph A, of a responsible parent while that parent is an assisted obligor.~~

13 **Sec. 2. 22 MRSA §254-D, sub-§4, ¶B**, as amended by PL 2015, c. 267, Pt. TT,
14 §1, is further amended to read:

15 B. An individual is eligible for the program if that individual:

- 16 (1) Is a legal resident of the State;
- 17 (2) Meets the income eligibility criteria set forth in this section or is eligible for
18 both MaineCare and Medicare Part D;
- 19 (3) Does not receive full MaineCare pharmaceutical benefits; and
- 20 (4) Is at least 62 years of age, or is 19 years of age or older and determined to be
21 disabled by the standards of the federal social security program. A person who
22 was eligible for the program at any time from August 1, 1998 to July 31, 1999
23 and who does not meet the requirements of this subparagraph at the time of
24 application or renewal retains eligibility for the program if that person is a
25 member of a household of an eligible person; and
- 26 (5) ~~Does not have more than \$50,000 individually or more than \$75,000 per~~
27 ~~couple in liquid assets.~~

28 **Sec. 3. 22 MRSA §3104, sub-§13**, as corrected by RR 2015, c. 1, §20, is
29 repealed.

30 **Sec. 4. 22 MRSA §3104, sub-§13-A** is enacted to read:

31 **13-A. Broad-based categorical eligibility.** To the extent allowable under federal
32 law, the department shall adopt rules that maximize access to the food supplement
33 program for eligible households with incomes at or below 185% of the federal poverty
34 level by providing such households with a noncash Temporary Assistance for Needy
35 Families program funded service or Temporary Assistance for Needy Families program
36 state maintenance of effort funded benefit. Such individuals must be considered
37 categorically eligible for the food supplement program, and any eligibility requirement
38 related to asset limits is considered to be met for these households.

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Sec. 5. 22 MRSA §3104, sub-§18 is enacted to read:

18. Rulemaking. The department is authorized to adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 6. 22 MRSA §3762, sub-§11, as enacted by PL 1997, c. 530, Pt. A, §16, is repealed.

Sec. 7. 22 MRSA §3762, sub-§11-A is enacted to read:

11-A. Disregard of assets. To the extent allowable under federal law, the department shall disregard all assets in determining eligibility and the need for assistance in the TANF program.

Sec. 8. Asset test removed for the Medicare savings program; state plan amendment. The Department of Health and Human Services shall amend its rules, no later than July 1, 2020, to remove the asset test from the requirements of eligibility for the Medicare savings program. The department shall prepare and submit any necessary Medicaid state plan amendments to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services for approval for the removal of the asset test required by this section.

SUMMARY

This bill implements the recommendations of the stakeholder group established pursuant to Resolve 2019, chapter 41. The bill removes the asset tests for the elderly low-cost drug program, the Medicare savings program, the statewide food supplement program and the Temporary Assistance for Needy Families program to the extent allowable under federal law.