

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 333

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S.P. 154

In Senate, January 30, 2023

**An Act to Protect the Homes of Individuals Placed in Long-term  
Care by Excluding the Individuals' Primary Residences in  
Eligibility Considerations**

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator LIBBY of Cumberland.

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

2 **Sec. 1. 22 MRSA §3197** is enacted to read:

3 **§3197. Primary residence excluded from consideration for eligibility for long-term**  
4 **care in certain circumstances**

5 Notwithstanding any provision of law to the contrary, if an individual's primary  
6 residence is excluded from consideration for eligibility for long-term care by the  
7 department for the benefit of the individual's spouse, the primary residence must be  
8 excluded from consideration for eligibility for long-term care for the benefit of the  
9 individual's child whether or not the child resides in the residence.

10 **Sec. 2. Rulemaking.** The Department of Health and Human Services shall amend  
11 its rules in Chapter 332: MaineCare Eligibility Manual to implement the changes to  
12 consideration for eligibility for long-term care provided in the Maine Revised Statutes,  
13 Title 22, section 3197. Rules adopted pursuant to this section are routine technical rules  
14 pursuant to Title 5, chapter 375, subchapter 2-A.

15 **SUMMARY**

16 This bill prohibits the Department of Health and Human Services from considering an  
17 individual's primary residence for the benefit of the individual's child in determining the  
18 individual's eligibility for long-term care if it excludes the primary residence from  
19 consideration for the benefit of the individual's spouse. The bill also directs the department  
20 to amend its rules accordingly.