

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 1194

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S.P. 490

In Senate, March 14, 2023

### **An Act to Implement Work Requirements Under the MaineCare Program**

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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 STEWART of Aroostook.  
Cosponsored by Representative MORRIS of Turner and  
Senators: BRAKEY of Androscoggin, MOORE of Washington, POULIOT of Kennebec,  
Representatives: ANDREWS of Paris, BRADSTREET of Vassalboro, JAVNER of Chester.

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

2 **Sec. 1. 22 MRSA §3173-K** is enacted to read:

3 **§3173-K. Work requirements**

4 **1. Short title.** This section may be known and cited as "the Medicaid Workforce Act  
5 of 2023."

6 **2. Work requirement.** Except as provided in subsection 3, an individual is not eligible  
7 to participate in the MaineCare program unless that individual is:

8 A. Working 20 hours or more per week, averaged monthly;

9 B. Participating in and complying with the requirements of a work program 20 hours  
10 or more per week, as determined by the department;

11 C. Volunteering 20 hours or more per week, as determined by the department;

12 D. Meeting any combination of working and participating in a work program for a  
13 total of 20 hours or more per week, as determined by the department; or

14 E. Participating in and complying with the requirements of a workfare program as  
15 implemented by the department.

16 **3. Exemptions from work requirement.** The work requirement under subsection 2  
17 does not apply to a MaineCare member if the member:

18 A. Has not attained 19 years of age;

19 B. Is 65 years of age or older;

20 C. Is medically certified as physically or mentally unfit for employment;

21 D. Is pregnant;

22 E. Is a parent or caregiver responsible for the care of a dependent child under one year  
23 of age;

24 F. Is a parent or caregiver personally providing care for a dependent child with a  
25 serious medical condition or disability, as determined by the department;

26 G. Is receiving unemployment compensation and complying with work requirements  
27 that are part of the unemployment compensation system under Title 26, chapter 13; or

28 H. Is participating in substance use disorder treatment, including alcohol use disorder  
29 treatment.

30 **4. Rules.** The department shall adopt rules to implement this section. Rules adopted  
31 pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375,  
32 subchapter 2-A.

33 **Sec. 2. State plan amendments and waivers.** To the extent necessary to carry  
34 out the Maine Revised Statutes, Title 22, section 3173-K, the Department of Health and  
35 Human Services shall request federal approval from the United States Department of  
36 Health and Human Services, Centers for Medicare and Medicaid Services for a Section  
37 1115 demonstration waiver under the United States Social Security Act by January 1, 2024.  
38 If federal approval for the waiver is denied or withdrawn, the department shall resubmit a  
39 request for approval within 24 months of each denial or withdrawal.

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**Sec. 3. Contingent effective date.** That section of this Act that enacts the Maine Revised Statutes, Title 22, section 3173-K takes effect on the earlier of:

1. January 1, 2025; and
2. The date approval under section 2 is received.

The Commissioner of Health and Human Services shall notify the Secretary of State, the Secretary of the Senate, the Clerk of the House and the Revisor of Statutes when approval sought under section 2 is received.

**SUMMARY**

This bill establishes work requirements for certain individuals as a condition of participating in the MaineCare program.