

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1666

S.P. 671

In Senate, April 13, 2023

**An Act to Modernize the State Supplement to Supplemental
Security Income by Updating the State Supplement and Removing
Marriage Disincentives**

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 TIPPING of Penobscot.
Cosponsored by Representative ROEDER of Bangor and
Senators: BALDACCI of Penobscot, INGWERSEN of York, MOORE of Washington,
Representative: OSHER of Orono.

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

2 **Sec. 1. 22 MRSA §3271, sub-§2**, as enacted by PL 1973, c. 790, §3, is amended to
3 read:

4 2. The department, to the extent allowed by Title XVI of the United States Social
5 Security Act, as amended, and regulations promulgated thereunder, shall establish, ~~with the~~
6 ~~advice of the Maine Committee on Aging and the Maine Human Services Council,~~ standard
7 levels of state supplemental income benefits for blind, disabled and elderly people. The
8 benefits ~~shall~~ must be provided under a modified flat benefit system, and may vary by
9 ~~marital status, and by living arrangements~~ to the extent allowed by Title XVI of the United
10 States Social Security Act, as amended, and regulations promulgated thereunder. The
11 benefits ~~shall~~ may not be based on individual budgeted need and ~~shall~~ may not vary by
12 category or geographical area. Benefits for a couple, ~~except as provided under section~~
13 ~~3273, subsection 1, paragraph B,~~ shall must be equal to the sum of the amount of benefit
14 for an each individual ~~and 50% of the benefit for an individual in the couple.~~

15 **Sec. 2. 22 MRSA §3272, sub-§1**, as enacted by PL 1973, c. 790, §3, is amended to
16 read:

17 1. **Standard.** The standard utilized to determine need ~~shall~~ must be the current annual
18 budget at the lower level of living for a ~~retired couple~~ single person as most recently
19 determined by the United States Department of Labor, Bureau of Labor Statistics, for
20 Portland, Maine, or budgets ~~which that~~ that are consistent with such a budget at the lower level
21 of living, taking into account budget variances by ~~marital status and living arrangements~~
22 ~~permitted~~ permitted pursuant to Title XVI and regulations promulgated thereunder.

23 **Sec. 3. 22 MRSA §3273, sub-§1**, as amended by PL 1985, c. 770, §3, is further
24 amended to read:

25 1. **Combined benefits.** The department shall take action, as necessary, to ~~assure~~
26 ensure that, within the limits of available funds, a state supplemental income benefit, when
27 combined with a federal supplemental security income benefit, ~~shall consist~~ consists of
28 such amounts that the sum ~~shall~~ must:

29 A. Increase the minimum monthly federal payment standard, in addition to that
30 established pursuant to federal law, by an amount of at least \$8 \$65 per month for an
31 individual and ~~\$12~~ \$130 per month for a couple;

32 A-1. Annually beginning October 1, 2023, increase the minimum monthly federal
33 payment standard, in addition to that established pursuant to federal law, by an amount
34 at least equal to the amount in paragraph A multiplied by the cumulative percentage
35 effect on the federal payment standard of federal cost-of-living adjustments;

36 B. For an individual who resides in an adult foster home or boarding home, having a
37 contract with the department for the provision of services to eligible residents, or
38 nursing home, as defined in section 1812-A, in addition to the benefits provided herein
39 under paragraphs A and C, provide sufficient income to allow the individual for
40 personal needs an amount equal to at least ~~\$30 a month~~ 3 times the state supplemental
41 income benefit calculated pursuant to paragraphs A and A-1, plus an amount sufficient
42 to meet the monthly per resident payment rate as established by the department of the
43 adult foster home or boarding home in which the individual resides; and

1 C. For a beneficiary who resides in a living arrangement which meets a living
2 arrangement classification established by the department, but who does not reside in
3 an adult foster home or boarding home, in addition to the minimum federal payment
4 level as adjusted pursuant to paragraph A, provide, based on such living arrangement
5 classification, an amount not to exceed \$42 per month for an individual and \$63 per
6 month for a couple.

7 **Sec. 4. 22 MRSA §3273, sub-§4**, as amended by PL 1979, c. 563, §3, is further
8 amended to read:

9 **4. Expenditures.** Appropriations available for benefits provided in subsection 1 ~~shall~~
10 must be budgeted and authorized for expenditure by the department in a priority sequence.
11 First, the available appropriation ~~shall~~ must be budgeted and expended to increase the
12 minimum monthly federal payment, as specified in subsection 1, paragraph A. Second, ~~the~~
13 available appropriation must be budgeted and expended to increase the minimum monthly
14 federal payment, as specified in subsection 1, paragraph A-1. Third, any balance of the
15 appropriation remaining after such budgeting, ~~shall~~ must be budgeted and expended to
16 provide an individual sufficient income for personal needs, in accordance with subsection
17 1, paragraph B, and to meet the monthly per resident payment rate for adult foster and
18 boarding home care as provided in subsection 1, paragraph B and subsection 3. Finally,
19 any balance of the appropriations remaining after such budgeting ~~shall~~ must be budgeted
20 and expended to provide benefits related to variations by living arrangements as provided
21 in subsection 1, paragraph C.

22 **Sec. 5. 22 MRSA §3273, sub-§6, ¶A**, as enacted by PL 1973, c. 790, §3, is
23 amended to read:

24 A. It is the declared intent of this Act that, if it is proposed that benefits provided
25 pursuant to subsection 1 are to be increased on any future date, that such proposal ~~shall~~
26 must recommend, and implementation of such increases ~~shall~~ must provide, that the
27 benefits pursuant to subsection 1, paragraph A, ~~shall~~ must be increased, the benefits
28 pursuant to subsection 1, paragraph A-1 must be increased and the benefits pursuant to
29 subsection 1, paragraph B, ~~shall~~ must be increased, rather than increasing benefits
30 pursuant to subsection 1, paragraph C.

31 **Sec. 6. 22 MRSA §3273, sub-§6, ¶B-1**, as enacted by PL 1991, c. 528, Pt. E, §25
32 and affected by Pt. RRR and enacted by c. 591, Pt. E, §25, is amended to read:

33 B-1. On July 1st of every year, the sum of the monthly amount of any state
34 supplemental income benefit authorized by subsection 1, paragraphs A and C, plus the
35 amount of the minimum monthly federal supplemental security income in effect at that
36 time must be increased by a percentage amount equal to the percentage rise in the
37 United States Consumer Price Index for April 1st of that year over the level of the
38 Index for April 1st of the previous year plus any additional percentage amount as is
39 recommended annually by the department. Such an increase may be made only insofar
40 as appropriations are available. In determining the additional percentage amount,
41 consideration must be given to the goal of reaching, within a reasonable time, a benefit
42 level equal to or consistent with the current budget at the lower level of living for a
43 ~~retired couple~~ an individual established by the United States Department of Labor,
44 Bureau of Labor Statistics, for Portland, Maine.

1 If, on April 1st of any year, the sum of the monthly amount of any state supplemental
2 payment authorized by subsection 1, paragraphs A and C, plus the amount of the
3 minimum monthly federal supplemental security income in effect at that time, is equal
4 to or exceeds the amount resulting from 12 divided into the current annual budget at
5 the lower level of living for a ~~retired couple~~ an individual as most recently established
6 by the United States Department of Labor, Bureau of Labor Statistics, for Portland,
7 Maine, or taking into account variances by ~~marital status and~~ living arrangements as
8 established by the department, a budget that is not inconsistent with that annual budget
9 divided by 12, the increase provided on July 1st next following is limited to the
10 percentage rise in the Consumer Price Index.

11 ~~This paragraph takes effect July 1, 1993.~~

12 **Sec. 7. 22 MRSA §3274-A**, as enacted by PL 1979, c. 563, §4, is amended to read:

13 **§3274-A. Personal needs of nursing home residents**

14 In administering this chapter, the department shall ensure that eligible individuals
15 residing in nursing homes, as defined in section 1812-A, ~~shall have at least \$30 a month~~
16 for personal needs a monthly amount for personal needs equal to at least 3 times the amount
17 of the state supplemental income benefit calculated pursuant to section 3273, subsection 1,
18 paragraphs A and A-1.

19 **SUMMARY**

20 This bill amends the 1974 State Supplemental Income Act in the following ways.

21 1. It removes a reference to the advisory role of the Maine Committee on Aging and
22 Maine Human Services Council.

23 2. It replaces provisions of law that currently provide that payments to couples, both
24 of whom receive the supplement, are 150% of the benefit for an individual with provisions
25 of law providing that payments to the couples are 200% of the benefit for an individual.

26 3. It requires that the standard used to determine need is the current annual budget at
27 the lower level of living for a single person as most recently determined by the United
28 States Department of Labor, Bureau of Labor Statistics, for Portland, Maine, or budgets
29 consistent with such a budget taking into account budget variances by living arrangements
30 permitted pursuant to Title XVI of the federal Social Security Act and regulations
31 promulgated thereunder.

32 4. It changes the minimum state supplemental income benefit from \$8 per month for
33 an individual and \$12 per month for a couple to \$65 per month for an individual and \$130
34 per month for a couple.

35 5. It provides that, annually starting October 1, 2023, the state supplemental income
36 benefit must be indexed by the cost-of-living adjustment to the federal payment standard.

37 6. It provides that, in the priority sequence by which the Department of Health and
38 Human Services must budget and authorize for expenditure appropriations available for
39 benefits, the indexed cost-of-living adjustment must have priority immediately after the
40 minimum payment.

41 7. It updates the declared intent of the Act that, if it is proposed that benefits provided
42 are to be increased on any future date, cost-of-living adjustments be included in the benefits

1 to be increased at a level of priority over benefits provided to a beneficiary who resides in
2 an adult foster home or boarding home or in certain living arrangements.

3 8. It establishes that, in determining any increase according to the United States
4 Consumer Price Index, consideration must be given to the goal of reaching, within a
5 reasonable time, a benefit level equal to or consistent with the current budget at the lower
6 level of living for a individual, rather than a retired couple, established by the United States
7 Department of Labor, Bureau of Labor Statistics, for Portland, Maine.

8 9. It requires that the Department of Health and Human Services ensure that eligible
9 individuals residing in nursing homes have a monthly amount for personal needs equal to
10 at least 3 times the amount of the state supplemental income benefit.