

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2026

Legislative Document

No. 2117

H.P. 1432

House of Representatives, January 7, 2026

Resolve, Directing the Department of Health and Human Services to Amend Its Rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 21, Home and Community Benefits for Members with Intellectual Disabilities or Autism Spectrum Disorder

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

R. B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative SACHS of Freeport.

Cosponsored by President DAUGTRY of Cumberland and

Representatives: ARFORD of Brunswick, DAIGLE of Fort Kent, DEBRITO of Waterville, FAIRCLOTH of Bangor, GATTINE of Westbrook, GRAHAM of North Yarmouth, MCCABE of Lewiston, Senator: MOORE of Washington.

Sec. 1. Department of Health and Human Services to amend MaineCare Benefits Manual; residential vacancies in 2-person homes. Resolved: That the Department of Health and Human Services, referred to in this resolve as "the department," shall amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter II, Section 21, Home and Community Benefits for Members with Intellectual Disabilities or Autism Spectrum Disorder pertaining to filling a residential vacancy in a 2-person home to:

1. Extend to 60 calendar days the length of time that a provider may hold a bed for a resident member who vacated the 2-person home as the result of hospitalization before issuing a 30-day discharge notice to the hospitalized resident member;

2. Require that, before a provider sends a letter to the remaining resident member in a 2-person home in which there is a vacancy informing that the member will receive an eviction notice in 30 days if the vacancy cannot be filled, the provider and the department must, for a period of 120 calendar days, attempt to identify another member to fill the vacancy. The 120 calendar days runs from the date of vacancy or, when the vacancy results from hospitalization, from the expiration of 60 calendar days following the date of hospitalization; and

3. Establish an exception that allows the department, upon the request of a provider, to extend the 120-day period described in subsection 2 if the provider demonstrates to the department that the health and safety needs of the remaining resident member continue to be met and:

- A. The remaining resident member has resided at the remaining resident member's current address for at least 5 years;
- B. A suitable housemate has been identified and the intake process has commenced; or
- C. Active and ongoing efforts have been and are being made to identify a suitable housemate.

Extensions may be granted in increments of 60 calendar days, not to exceed 2 extensions, except that, for residents who meet the requirements of paragraph A, extensions may be continued beyond the 2nd 60-day extension period. Extensions must be requested in writing. A request for a first extension must be submitted prior to the expiration of the initial 120-day period described in subsection 2, and a request for any subsequent extension must be submitted prior to the expiration of the current extension.

SUMMARY

This resolve directs the Department of Health and Human Services to amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter II, Section 21, Home and Community Benefits for Members with Intellectual Disabilities or Autism Spectrum Disorder pertaining to filling residential vacancies in a 2-person home. The resolve extends from 30 days to 60 days the length of time that a provider may hold a bed for a member who is a resident in a 2-person home when the member has vacated the home as the result of hospitalization. The resolve extends from 90 days to 120 days the length of time that a provider and the department must look for a replacement housemate to fill a vacancy before the provider issues a letter to the remaining resident member informing that member that if a suitable housemate cannot be found in 30 days, the remaining resident member will

1 receive a 30-day eviction notice. The resolve establishes an exception that allows the
2 department, upon the provider's request and under certain circumstances specified in the
3 resolve, to extend the 120-day period by increments of 60 days, up to 2 extensions, except
4 that a remaining resident member may be granted more than 2 extensions if that member
5 has lived at the member's current address for at least 5 years.