

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND THIRTEENTH LEGISLATURE**

**FIRST SPECIAL SESSION**

**October 9, 1987 to October 10, 1987**

**SECOND SPECIAL SESSION**

**October 21, 1987 to November 20, 1987**

**and the**

**SECOND REGULAR SESSION**

**January 6, 1988 to May 5, 1988**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Twin City Printery**  
**Lewiston, Maine**  
**1988**

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST AND SECOND SPECIAL SESSIONS  
and  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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2. Eligibility ratio. The total 1987 tax liability of all potentially eligible taxpayers, based on the records of the Bureau of Taxation on July 1, 1988, shall be divided into the total amount of 1987 tax year individual income tax windfall certified to the Tax Adjustment Reserve Fund pursuant to Title 5, section 1514, as of July 1, 1988, which has not been transferred to the General Fund. The resulting fraction is the eligibility ratio.

3. Eligible taxpayers. A potentially eligible taxpayer whose 1987 Maine tax liability which, when multiplied by the eligibility ratio, is greater than the 1987 exemption credit computed in accordance with section 5131 shall be eligible for a rebate under this chapter.

4. Rebate percentage. The total amount of the 1987 tax year individual income tax windfall identified in subsection 2, with adjustments specified in subsection 6, divided by the total 1987 tax liability of all eligible taxpayers is the rebate percentage.

5. Rebate amount. The amount of rebate for an eligible taxpayer is computed by multiplying that taxpayer's 1987 income tax liability by the rebate percentage.

6. Adjustments. The 1987 tax year individual income tax windfall identified in subsection 2 is reduced by the following adjustments for purposes of subsection 4:

A. An amount determined by the State Tax Assessor necessary to fund the expected cost of rebate entitlements not specifically known on July 1, 1988; and

B. An amount determined by the State Tax Assessor sufficient to recover the expenses associated with the preparation, forwarding and record-keeping requirements associated with the rebate checks.

#### §6303. Rebate checks

The State Tax Assessor shall perform the calculations required by this chapter by July 15, 1988. The tax assessor shall provide the State Controller, no later than August 1, 1988, with the necessary information for rebate check issuance as determined in accordance with this chapter. These checks are subject to setoff against outstanding tax liabilities.

The Treasurer of State shall issue the rebate checks by September 1, 1988. All rebate checks issued and associated administrative costs known by September 1, 1988, are to be charged against the Tax Adjustment Reserve Fund. Subsequent rebate checks will be accounted for as any other income tax refund check would be. No rebate check may be issued for any amount less than \$10.

#### §6304. Returns processed after July 1, 1988

Rebate entitlements for returns processed after July 1,

1988, shall be refunded as promptly as possible. The determination of eligibility and rebate amount for these taxpayers shall be in accordance with section 6302.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective May 2, 1988.

## CHAPTER 833

H.P. 1249 — L.D. 1705

### AN ACT to Revise the General Assistance Laws.

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

22 MRSA §4311, sub-§1-B is enacted to read:

1-B. Reimbursement for administrative expenses. The department shall reimburse each municipality for the administrative costs of its general assistance program if the department finds that the municipality was in compliance with all requirements of this chapter during the fiscal year for which reimbursement is sought. The amount of reimbursement to each municipality shall be an amount equal to:

A. Fifty percent of all general assistance granted to that municipality below the .0003% of all state valuation amount; or

B. Reasonable administrative costs of the municipality's general assistance program, defined as 10% of net general assistance cost.

Each municipality shall elect to be reimbursed under paragraph A or B at the beginning of the fiscal year for which reimbursement is sought.

Notwithstanding any other provision of law, this subsection shall take effect on July 1, 1989.

Effective August 4, 1988.

## CHAPTER 834

H.P. 313 — L.D. 412

### AN ACT to Promote Equity in Determining Medicaid Eligibility for Institutionalized Care.

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

Sec. 1. 22 MRSA §3174, 5th ¶, as amended by PL 1981, c. 703, Pt. A, §25, is repealed.

Sec. 2. 22 MRSA §3174-D is enacted to read:

§3174-D. Availability of income between married couples in determination of eligibility

Notwithstanding this chapter, for the purpose of determining medical indigency and eligibility for assistance for an individual residing or about to reside in an institution eligible for Medicaid participation under this section, there shall be a presumption, rebuttable by either spouse, that each spouse has a marital property interest in 1/2 of the total monthly income of both spouses at the time of application for medical assistance. Only the 1/2 interest of the applicant spouse shall be considered available to the spouse in determining eligibility for medical indigency and eligibility for assistance.

The marital property interest of the applicant spouse in the income of both spouses may be rebutted upon a showing of one of the following:

1. Court order. A court order allocating marital income pursuant to alimony, spousal support, equitable division of marital property or disposition of marital property;

2. Individual ownership. The establishing of sole individual ownership of income from current active employment; or

3. Supplementary allocation of spousal income. By applying to the Department of Human Services for a supplementary allocation of spousal income pursuant to this section.

The Department of Human Services shall establish standards for the reasonable and adequate support of the community spouse and the community residence of the couple. The standards shall consider the cost of housing payments, property taxes, property insurance, utilities, food, medical expenses, transportation, other personal necessities and the presence of other dependent persons in the home.

The community spouse may apply to the Department of Human Services for a determination pursuant to the standards that the community spouse requires a larger portion of the marital income. Therefore, a smaller portion of the marital income will be available to the applicant spouse in determining medical indigency and eligibility for assistance.

As soon as authorized by federal law, the department shall implement this section.

**Sec. 3. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1988-89

HUMAN SERVICES, DEPARTMENT OF

Intermediate Care — Payments to Providers

All Other

\$450,000

Provides funds to implement Medicaid eligibility standards for married couples when one member requires institutionalization conditional on Congress approving pending federal legislation.

Intermediate Care — Payments to Providers

All Other

(450,000)

Deappropriates surplus funds due to delays in constructing new nursing beds.

Total

\$0

Effective August 4, 1988.

**CHAPTER 835**

S.P. 845 — L.D. 2191

**AN ACT to Make Interim Adjustments in the Certificate of Need Development Account.**

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

**Sec. 1.** 22 MRSA §396-K, sub-§5 is enacted to read:

5. Temporary adjustment. For the 4th payment year, an adjustment of \$7,800,000 shall be made to the Hospital Development Account. For purposes of this adjustment, the provisions of subsection 3, paragraph B, shall only apply to the credits in the account as of October 1, 1987. This adjustment shall be in addition to any amount remaining in the Certificate of Need Development Account.

**Sec. 2. Psychiatric care demonstration project.** The Department of Human Services shall contract with a northern Maine hospital to conduct a hospital-based psychiatric care demonstration project using existing unfilled bed capacity. This demonstration project shall not be subject to the Maine Revised Statutes, Title 22, chapters 103 and 107, shall be deemed an approved project for which an adjustment may be made under Title 22, section 396-D, subsection 5, but shall not be a debit to the Hospital Development Account. This project shall begin July 1, 1989.

**Sec. 3. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1988-89

HUMAN SERVICES, DEPARTMENT OF

Medical Care — Payments to Providers

All Other

\$164,787