

# 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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§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

**Sec. 4. Allocation.** The following funds are allocated from the Federal Expenditure Fund to carry out the purposes of this Act.

1988-89

## HUMAN SERVICES, DEPARTMENT OF

Medical Care — Payments to Providers

All Other \$331,261

Effective August 4, 1988.

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**CHAPTER 836**

S.P. 945 — L.D. 2492

**AN ACT to Expand the Medicaid Dental Program to Include Adults.**

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

**Sec. 1. 22 MRSA §3174-E is enacted to read:**

§3174-E. Coverage for adult dental services

1. Coverage provided. The Department of Human Services shall provide dental services, reimbursed under the United States Social Security Act, Title XIX, or successors to it, to individuals 21 years of age and over, limited to:

A. Acute surgical care directly related to an accident where traumatic injury has occurred. This coverage will only be provided for the first 3 months after the accident;

B. Oral surgical and related medical procedures not involving the dentition and gingiva;

C. Extraction of teeth which are severely decayed and which pose a serious threat of infection during a major surgical procedure of the cardiovascular system, the skeletal system or during radiation therapy for a malignant tumor;

D. Treatment necessary to relieve pain, eliminate infection, prevent imminent tooth loss; and

E. The provision of total dentures when necessary to correct masticatory deficiencies likely to impair general health, including necessary adjustments, re-lines, repairs and replacements.

2. Report and study. The Bureau of Medical Services shall, prior to January 30, 1990:

A. Report to the joint standing committee of the Legislature having jurisdiction over human resources on the experience of this program, including:

(1) The number of individuals assisted by the program;

(2) The services provided to those individuals;

(3) The cost of services provided;

(4) Any significant limitations that have become apparent in the scope of service provided; and

(5) Recommendations and rationale for any expansion of service that appears necessary; and

B. Study the feasibility of contracting with a prepaid dental plan, health maintenance organization, or other entity for the provision of Medicaid dental services to individuals 21 years of age and over and submit the results of that study, together with any recommendations, to the joint standing committee of the Legislature having jurisdiction over human resources.

**Sec. 2. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1988-89

## HUMAN SERVICES, DEPARTMENT OF

Payment to Providers of Medical Care

All Other \$215,000

Provides funds to cover certain dental services to Medicaid-eligible adults.

**Sec. 3. Allocation.** The following funds are allocated from the Federal Expenditure Fund to carry out the purposes of this Act.

1988-89

## HUMAN SERVICES, DEPARTMENT OF

Payment to Providers of Medical Care

All Other \$433,887

Provides funds to cover certain dental services to Medicaid-eligible adults.

**Sec. 4. Effective date.** This Act shall take effect on January 1, 1989.

Effective January 1, 1989.

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**CHAPTER 837**

S.P. 794 — L.D. 2091

**AN ACT to Establish a Pilot Program for Transitional Services for Department of Mental Health and Mental Retardation Clients Between the Ages of 20 and 26.**