



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 333

S.P. 154

In Senate, January 30, 2023

**An Act to Protect the Homes of Individuals Placed in Long-term
Care by Excluding the Individuals' Primary Residences in
Eligibility Considerations**

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 LIBBY of Cumberland.

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

2 **Sec. 1. 22 MRSA §3197** is enacted to read:

3 **§3197. Primary residence excluded from consideration for eligibility for long-term**
4 **care in certain circumstances**

5 Notwithstanding any provision of law to the contrary, if an individual's primary
6 residence is excluded from consideration for eligibility for long-term care by the
7 department for the benefit of the individual's spouse, the primary residence must be
8 excluded from consideration for eligibility for long-term care for the benefit of the
9 individual's child whether or not the child resides in the residence.

10 **Sec. 2. Rulemaking.** The Department of Health and Human Services shall amend
11 its rules in Chapter 332: MaineCare Eligibility Manual to implement the changes to
12 consideration for eligibility for long-term care provided in the Maine Revised Statutes,
13 Title 22, section 3197. Rules adopted pursuant to this section are routine technical rules
14 pursuant to Title 5, chapter 375, subchapter 2-A.

15 **SUMMARY**

16 This bill prohibits the Department of Health and Human Services from considering an
17 individual's primary residence for the benefit of the individual's child in determining the
18 individual's eligibility for long-term care if it excludes the primary residence from
19 consideration for the benefit of the individual's spouse. The bill also directs the department
20 to amend its rules accordingly.