



132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 842

S.P. 375

In Senate, March 4, 2025

**An Act to Improve the Health of Maine Residents by Amending the
Laws Governing the MaineCare, Maine Rx Plus and Emergency
MaineCare Programs**

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 TALBOT ROSS of Cumberland.
Cosponsored by Representative GATTINE of Westbrook and
Senators: CARNEY of Cumberland, ROTUNDO of Androscoggin, Representatives:
DEBRITO of Waterville, DHALAC of South Portland, LEE of Auburn, RANA of Bangor,
STOVER of Boothbay, ZAGER of Portland.

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

2 **Sec. 1. 22 MRSA §2681, sub-§2, ¶F**, as amended by PL 2003, c. 494, §4, is
3 repealed and the following enacted in its place:

4 F. "Qualified resident" means a resident of the State:

5 (1) Who has a family income equal to or less than 350% of the federal poverty
6 level and who is enrolled in the program;

7 (2) Whose family incurs unreimbursed expenses for prescription drugs that equal
8 5% or more of family income or whose total unreimbursed medical expenses equal
9 15% or more of family income. For purposes of this subparagraph, the cost of drugs
10 provided under this subchapter is considered an expense incurred by the family for
11 eligibility determination purposes; or

12 (3) Who would otherwise qualify for the federal Medicaid program under Title
13 XIX of the federal Social Security Act but for the person's immigration status and
14 who has a diagnosis of type 2 diabetes, hypertension or cardiovascular disease.

15 **Sec. 2. 22 MRSA §3174-FFF, sub-§3** is enacted to read:

16 **3. Eligibility.** Notwithstanding any provision of law to the contrary, effective July 1,
17 2026, a person is eligible for the same scope of medical assistance provided under section
18 3174-G if the person would be eligible under the federal supplemental security income
19 program, 42 United States Code, Section 1381, et seq. but for the person's immigration
20 status. Notwithstanding any provision of law to the contrary, effective July 1, 2026, a
21 person 21 years of age or older with a diagnosis of cancer, organ failure or type 1 diabetes
22 is eligible for the same scope of medical assistance as provided under section 3174-G to a
23 person who would be eligible for assistance under the federal Medicaid program under
24 Title XIX of the federal Social Security Act but for the person's immigration status. In
25 accordance with 8 United States Code, Section 1621, the State shall appropriate funds in
26 the state budget to provide state-funded medical assistance through the MaineCare program
27 for noncitizen individuals who reside in the State and are ineligible for coverage due to
28 federal restrictions relating to immigration status in the federal Medicaid program.
29 Implementation of coverage required by this subsection is not contingent on federal
30 approval of any waivers or amendments to the state Medicaid plan for this purpose.

31 **Sec. 3. 22 MRSA §3174-FFF, sub-§4** is enacted to read:

32 **4. Maximization of federal matching funds.** The department shall maximize the
33 receipt of available federal matching funds for coverage provided under subsection 3.

34 **Sec. 4. Federal Medicaid waivers or state plan amendments; funding.** The
35 Department of Health and Human Services shall establish coverage under the Maine
36 Revised Statutes, Title 22, section 3174-FFF, subsection 3 as of July 1, 2026, using state
37 funds. The department may seek to acquire federal matching funds when available under
38 the Medicaid program by submitting to the United States Department of Health and Human
39 Services, Centers for Medicare and Medicaid Services any waivers or state plan
40 amendments determined necessary. Implementation of coverage required by section
41 3174-FFF, subsection 3 is not contingent on federal approval of any waivers or
42 amendments to the state Medicaid plan or federal funding for this purpose.

Sec. 5. Stakeholder group. The Department of Health and Human Services is directed to convene a stakeholder group pursuant to this section.

1. Emergency benefits. No later than October 1, 2025, the Office of MaineCare Services within the department is directed to convene a stakeholder group to review emergency Medicaid programs of other states and make recommendations for rulemaking for the emergency MaineCare program, including, but not limited to, determining additional conditions and services that can be covered by the emergency MaineCare program. No later than July 1, 2026, the department shall adopt routine technical rules to include additional conditions and services as allowable under the federal Medicaid program under Title XIX of the federal Social Security Act, including, but not limited to, bone fractures of the skull, arm, leg, neck, spine or pelvis; dialysis; hypertensive emergencies; and diabetic emergencies.

2. Members. The stakeholder group consists of the Director of the Office of MaineCare Services or the director's designee and at least 5 other members, including:

A. One member with policy and legal expertise or experience in promoting access to health care for low-income individuals and individuals who are immigrants;

B. Three members representing community-based organizations with experience providing outreach and education to residents of this State who are immigrants; and

C. One member representing the Medicaid ombudsman program.

Sec. 6. Rulemaking. The Department of Health and Human Services shall adopt rules to implement the Maine Revised Statutes, Title 22, section 2681, subsection 2, paragraph F, subparagraph (3) and section 3174-FFF, subsection 3 no later than July 1, 2026. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

SUMMARY

This bill provides Maine Rx Plus Program coverage for noncitizen residents of this State with qualifying low incomes who are currently ineligible for coverage under the federal Medicaid program due to their immigration status and who have a diagnosis of cardiovascular disease, hypertension or type 2 diabetes.

The bill provides MaineCare program coverage for noncitizen residents of this State 21 years of age or older with qualifying low incomes who are currently ineligible for coverage under the federal Medicaid program due to their immigration status and who meet one or more of the following criteria:

1. The person would be eligible for the federal supplemental security income program but for their immigration status; or

2. The person has a diagnosis of cancer, organ failure or type 1 diabetes.

The bill directs the Department of Health and Human Services, Office of MaineCare Services to convene a stakeholder group to review and make recommendations to improve the emergency MaineCare program and maximize available federal matching funds for services provided. It also directs the office to adopt rules implementing those changes.