

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33

Date: (Filing No. H- )

**HEALTH AND HUMAN SERVICES**

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
132ND LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 102, L.D. 169, “An Act to Amend the Laws Regarding Estate Recovery and Planning for Long-term Care”

Amend the bill by striking out the title and substituting the following:

**'Resolve, Establishing the Commission to Study MaineCare Estate Recovery'**

Amend the bill by striking out everything after the title and inserting the following:

**'Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** this legislation establishes the Commission to Study MaineCare Estate Recovery; and

**Whereas,** this legislation must take effect before the expiration of the 90-day period so that the commission may meet in a timely manner and make its report to the Legislature; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Commission established. Resolved:** That the Commission to Study MaineCare Estate Recovery, referred to in this resolve as "the commission," is established.

**Sec. 2. Commission membership. Resolved:** That, notwithstanding Joint Rule 353, the commission consists of 10 members as follows:

- 1. Four members appointed by the President of the Senate, including:
  - A. Two members of the Senate, including a member from each of the 2 parties holding the largest number of seats in the Legislature;
  - B. One member representing an organization that advocates for the rights of elderly individuals; and

**COMMITTEE AMENDMENT**

- 1 C. One member who is an attorney who specializes in long-term care planning;
- 2 2. Four members appointed by the Speaker of the House of Representatives, including:
  - 3 A. Two members of the House of Representatives, including a member from each of
  - 4 the 2 parties holding the largest number of seats in the Legislature;
  - 5 B. One member who is an individual with lived experience navigating the MaineCare
  - 6 estate recovery procedures; and
  - 7 C. One member who is an individual representing an organization that advocates for
  - 8 the rights of individuals with disabilities;
- 9 3. The Commissioner of Health and Human Services or the commissioner's designee;
- 10 and
- 11 4. The long-term care ombudsman established pursuant to the Maine Revised Statutes,
- 12 Title 22, section 5106, subsection 11-C or the ombudsman's designee.

13 **Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair  
14 and the first-named House of Representatives member is the House chair of the  
15 commission.

16 **Sec. 4. Appointments; convening of commission. Resolved:** That all  
17 appointments must be made no later than 30 days following the effective date of this  
18 resolve. The appointing authorities shall notify the Executive Director of the Legislative  
19 Council once all appointments have been completed. After appointment of all members,  
20 the chairs shall call and convene the first meeting of the commission. If 30 days or more  
21 after the effective date of this resolve a majority of but not all appointments have been  
22 made, the chairs may request authority and the Legislative Council may grant authority for  
23 the commission to meet and conduct its business.

24 **Sec. 5. Duties. Resolved:** That the commission shall study issues associated with  
25 the MaineCare estate recovery procedures, including:

- 26 1. A review of the history of the MaineCare estate recovery procedures and review of  
27 the reasons behind the establishment of the procedures as they exist currently;
- 28 2. An examination of allowable flexibilities in the administration of Medicaid estate  
29 recovery procedures, including any possible Medicaid waivers;
- 30 3. A review of estate recovery models employed by other states; and
- 31 4. An examination of best practices and innovations in Medicaid estate recovery.

32 The commission shall develop recommendations for reforms to the MaineCare estate  
33 recovery procedures.

34 **Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide  
35 necessary staffing services to the commission, except that Legislative Council staff support  
36 is not authorized when the Legislature is in regular or special session.

37 **Sec. 7. Report. Resolved:** That, no later than December 3, 2025, the commission  
38 shall submit a report that includes its findings and recommendations, including suggested  
39 legislation, to the Joint Standing Committee on Health and Human Services. The  
40 committee may introduce legislation related to the report of the commission to the Second  
41 Regular Session of the 132nd Legislature.

