

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

S.P. 526 - L.D. 1637

**An Act To Prevent Medicaid Payment from a Savings Account Established
under the Federal ABLÉ Act of 2014****Be it enacted by the People of the State of Maine as follows:****Sec. 1. 5 MRSA §156**, as enacted by PL 2017, c. 394, §1, is amended to read:**§156. Authorization to establish program; payments for MaineCare benefits prohibited**

The Treasurer of State is authorized to establish in this State the ABLE ME Savings Program, referred to in this section as "the program," to allow an individual with a disability to establish a federal tax-advantaged savings account and use the funds in that account to pay for the individual's care. The program must comply with the requirements of the federal Achieving a Better Life Experience Act of 2014, Public Law 113-295.

Unless otherwise required by the United States Social Security Act, 42 United States Code, Section 1396p(b), the State, or any agency or instrumentality of the State, may not seek payment for MaineCare benefits provided to a designated beneficiary from an account, or its proceeds, that is established under a qualified ABLE program that complies with the requirements of the federal Achieving a Better Life Experience Act of 2014, Public Law 113-295.

Funds held in an account established under a qualified ABLE program that complies with the requirements of the federal Achieving a Better Life Experience Act of 2014, Public Law 113-295 or distributed for the purposes of paying qualified expenses must be disregarded when determining the designated beneficiary's eligibility for any means-tested public assistance program.

The Treasurer of State may adopt routine technical rules pursuant to chapter 375, subchapter 2-A to implement the provisions of this section, including all terms and conditions of the program.

Sec. 2. 22 MRSA §14, sub-§2-I, ¶F, as amended by PL 2017, c. 402, Pt. C, §42 and affected by Pt. F, §1, is further amended to read:

F. As used in this subsection, unless the context otherwise indicates, the term "estate" means:

- (1) All real and personal property and other assets included in the recipient's estate, as defined in Title 18-C, section 1-201; and
- (2) Any other real and personal property and other assets in which the recipient had any legal interest at the time of death, to the extent of that interest, including assets conveyed to a survivor, heir or assign of the deceased recipient through tenancy in common, survivorship, life estate, living trust, joint tenancy in personal property or other arrangement but not including joint tenancy in real property.

Unless otherwise required by the United States Social Security Act, 42 United States Code, Section 1396p(b), "estate" does not include an account established under a qualified ABLE program that complies with the requirements of the federal Achieving a Better Life Experience Act of 2014, Public Law 113-295.

Sec. 3. 36 MRSA §5122, sub-§2, ¶QQ is enacted to read:

QQ. For tax years beginning on or after January 1, 2020, any earnings on funds in an account established under a qualified ABLE program that complies with the requirements of the federal Achieving a Better Life Experience Act of 2014, Public Law 113-295.