



LEGAL SERVICES FOR MAINE ELDERS

LD 1634 – An Act Regarding MaineCare Waiting Lists

Testimony of John Brautigam, Esq. for Legal Services for Maine Elders
Joint Standing Committee on Health and Human Services

April 23, 2025

Senator Ingwersen, Representative Meyer, and distinguished members of the Health and Human Services Committee:

My name is John Brautigam and I am here today on behalf of Legal Services for Maine Elders in support of LD 1634, “An Act Regarding MaineCare Waiting Lists.”

This bill does something both modest and important — it does not create a new right, nor does it expand the scope of MaineCare services. Instead, it recognizes and reinforces what is already true under federal law: **eligible individuals must not be placed on waiting lists for services that are part of a state’s Medicaid plan.**

Under 42 U.S.C. § 1396a(a)(8), states are required to furnish Medicaid assistance to all eligible individuals with “reasonable promptness.” This statute is backed up by numerous court decisions. Federal guidance makes clear that this includes state plan services such as in-home personal care and other supports that older and disabled Mainers depend on. Delaying these services due to funding shortages — or capping enrollment — is not permitted.

And yet — despite this clear and binding obligation — we continue to hear from Mainers who are found eligible and then told to wait. These delays can stretch for months, placing individuals at serious risk. The real issue is not a lack of legal clarity — **the real issue is compliance, which in turn depends on resources.**

LD 1634 does not attempt to expand eligibility or benefits. **It simply requires the state to meet its existing duty — and to explain itself publicly when it cannot.** By mandating a corrective action plan and immediate legislative notice when delays exceed six months, **this bill gives lawmakers the tools they need to respond quickly when service access has broken down.**

The bill would be even stronger if it provided for increased transparency. Maine families, advocates, and providers have the right to know:

LEGAL SERVICES FOR MAINE ELDERS, INC.
5 Wabon Street, Augusta, Maine 04333
(207) 621-0087 Fax (207) 621-0742
Offices in Augusta, Bangor, Lewiston, Biddeford and Presque Isle
LSE Helpline 1-800-750-5353 (Voice/TTY)
www.mainelse.org

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- How many people are waiting for services;
- How long they have been waiting;
- When services are expected to be delivered; and
- What barriers or system bottlenecks are causing the delays.

This information should be shared not only with the Legislature, but also with the public — posted regularly and in real time. This level of transparency allows everyone — from case managers to caregivers — to plan wisely, advocate effectively, and hold the system accountable.

Let us be clear — six months is not a grace period. **It's a warning sign.** If an eligible person is still waiting at that point, **the system is not working as already required under federal law.**

We urge you to support LD 1634 as a pragmatic tool for protecting the rights of MaineCare recipients and, if amended accordingly, adding a new measure of transparency.

Thank you for your time and your commitment to older and disabled Mainers.