



132nd MAINE LEGISLATURE

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Legislative Document

No. 591

S.P. 275

In Senate, February 25, 2025

Resolve, Establishing the Commission to Study MaineCare Estate Recovery

(EMERGENCY)

Received by the Secretary of the Senate on February 19, 2025. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in dark ink, appearing to read "D M Grant".

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BALDACCI of Penobscot.
Cosponsored by Representative HASENFUS of Readfield and
Senator: RAFFERTY of York.

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

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

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

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

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

14 **Sec. 2. Commission membership. Resolved:** That, notwithstanding Joint Rule
15 353, the commission consists of 10 members as follows:

16 1. Four members appointed by the President of the Senate, including:

17 A. Two members of the Senate, including a member from each of the 2 parties holding
18 the largest number of seats in the Legislature;

19 B. One member representing an organization that advocates for the rights of elderly
20 individuals; and

21 C. One member who is an attorney who specializes in long-term care planning;

22 2. Four members appointed by the Speaker of the House of Representatives, including:

23 A. Two members of the House of Representatives, including a member from each of
24 the 2 parties holding the largest number of seats in the Legislature;

25 B. One member who is an individual with lived experience navigating the MaineCare
26 estate recovery procedures; and

27 C. One member who is an individual representing an organization that advocates for
28 the rights of individuals with disabilities;

29 3. The Commissioner of Health and Human Services or the commissioner's designee;
30 and

31 4. The long-term care ombudsman established pursuant to the Maine Revised Statutes,
32 Title 22, section 5106, subsection 11-C or the ombudsman's designee.

33 **Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair
34 and the first-named House of Representatives member is the House chair of the
35 commission.

36 **Sec. 4. Appointments; convening of commission. Resolved:** That all
37 appointments must be made no later than 30 days following the effective date of this
38 resolve. The appointing authorities shall notify the Executive Director of the Legislative
39 Council once all appointments have been completed. After appointment of all members,
40 the chairs shall call and convene the first meeting of the commission. If 30 days or more

1 after the effective date of this resolve a majority of but not all appointments have been
2 made, the chairs may request authority and the Legislative Council may grant authority for
3 the commission to meet and conduct its business.

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

- 6 1. A review of the history of the MaineCare estate recovery procedures and review of
7 the reasons behind the establishment of the procedures as they exist currently;
- 8 2. An examination of allowable flexibilities in the administration of Medicaid estate
9 recovery procedures, including any possible Medicaid waivers;
- 10 3. A review of estate recovery models employed by other states; and
- 11 4. An examination of best practices and innovations in Medicaid estate recovery.

12 The commission shall develop recommendations for reforms to the MaineCare estate
13 recovery procedures.

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

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

22 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
23 takes effect when approved.

24 SUMMARY

25 This resolve creates the Commission to Study MaineCare Estate Recovery. The
26 commission is tasked with studying issues associated with the MaineCare estate recovery
27 procedures, including a review of the history of the MaineCare estate recovery procedures
28 and review of the reasons behind the establishment of the procedures as they exist currently;
29 an examination of allowable flexibilities in the administration of Medicaid estate recovery
30 programs, including any possible Medicaid waivers; a review of estate recovery models
31 employed by other states; and an examination of best practices and innovations in Medicaid
32 estate recovery. The commission must submit a report by December 3, 2025 to the Joint
33 Standing Committee on Health and Human Services. The committee may present
34 legislation related to the report of the commission to the Second Regular Session of the
35 132nd Legislature.