



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 199

H.P. 123

House of Representatives, January 17, 2023

**An Act to Improve the Health of Maine Residents by Removing
Exclusions to the MaineCare Program**

Reference to the Committee on Health and Human Services suggested and ordered printed.


ROBERT B. HUNT
Clerk

Presented by Speaker TALBOT ROSS of Portland.
Cosponsored by Senator CARNEY of Cumberland and
Representatives: DHALAC of South Portland, GATTINE of Westbrook, MEYER of Eliot,
RANA of Bangor, ZAGER of Portland, Senators: INGWERSEN of York, ROTUNDO of
Androscoggin.

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

2 **Sec. 1. 22 MRSA §3174-FFF, sub-§1**, as enacted by PL 2021, c. 398, Pt. DDD,
3 §1, is amended by enacting at the end a new first blocked paragraph to read:

4 Notwithstanding any provision of law to the contrary, effective January 1, 2024, a person
5 21 years of age or older is eligible for the same scope of medical assistance provided under
6 section 3174-G for comparable enrollment groups to a person who would be eligible for
7 assistance under the federal Medicaid program under Title XIX of the federal Social
8 Security Act but for the person's immigration status. In accordance with 8 United States
9 Code, Section 1621, the State shall appropriate funds in the state budget to provide state-
10 funded medical assistance through the MaineCare program for noncitizen individuals who
11 reside in the State and are ineligible for coverage due to federal restrictions relating to
12 immigration status in the federal Medicaid program. Implementation of coverage required
13 by this section is not contingent on federal approval of any waivers or amendments to the
14 state Medicaid plan for this purpose.

15 **Sec. 2. 22 MRSA §3174-FFF, sub-§1-A** is enacted to read:

16 **1-A. Maximization of federal funds.** The department shall maximize the receipt of
17 available federal matching funds for coverage provided under this section.

18 **Sec. 3. Federal Medicaid waivers or state plan amendments; funding.** The
19 Department of Health and Human Services shall establish coverage under the Maine
20 Revised Statutes, Title 22, section 3174-FFF, subsection 1 as of January 1, 2024 using state
21 funds. The department may seek to acquire matching federal funds under the Medicaid
22 program by submitting to the United States Department of Health and Human Services,
23 Centers for Medicare and Medicaid Services any waivers or state plan amendments
24 determined necessary.

25 **Sec. 4. Rulemaking.** By January 1, 2024, the Department of Health and Human
26 Services shall adopt rules to implement the Maine Revised Statutes, Title 22, section
27 3174-FFF, subsection 1, as amended by this Act. Rules adopted pursuant to this section
28 are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

29 **SUMMARY**

30 This bill provides MaineCare program coverage for noncitizen residents of this State
31 21 years of age or older with qualifying low incomes who are ineligible for coverage under
32 the federal Medicaid program due to their immigration status.