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Date: (Filing No. S-)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
SENATE
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 526, L.D. 1637, Bill, “An Act To Prevent Medicaid Payment from a Savings Account Established under the Federal ABLÉ Act of 2014”

Amend the bill in section 1 in §156 by striking out all of the 2nd paragraph (page 1, lines 10 to 14 in L.D.) and inserting the following:

'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 ABLÉ program that complies with the requirements of the federal Achieving a Better Life Experience Act of 2014, Public Law 113-295.'

Amend the bill by inserting after section 1 the following:

'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

COMMITTEE AMENDMENT

1 qualified ABLE program that complies with the requirements of the federal
2 Achieving a Better Life Experience Act of 2014, Public Law 113-295.'

3 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
4 section number to read consecutively.

5 **SUMMARY**

6 This amendment, which is the unanimous report of the committee, clarifies the
7 provisions regarding the exemption of an account established under a qualified ABLE
8 program that complies with the requirements of the federal Achieving a Better Life
9 Experience Act of 2014, Public Law 113-295 from Medicaid estate recovery to the extent
10 permitted under federal law.

11 **FISCAL NOTE REQUIRED**

12 **(See attached)**