

## CHAPTER 855-C

### BENEFITS

#### §3271. Program

1. A program of regular monthly state supplemental income for blind, disabled and elderly people shall be provided for residents of the State of Maine. Benefits under the state supplemental income program shall be based on need and provided in supplementation of benefits provided by the United States Government to aged, blind and disabled individuals pursuant to Title XVI of the United States Social Security Act, as amended. Benefits shall be provided to any person who, on account of blindness, disability or age, qualifies for supplemental security income provided pursuant to Title XVI of the United States Social Security Act, as amended, and may, based on need, be provided to individuals who would, but for their income, be eligible for such supplemental security income benefits. [RR 2015, c. 2, §12 (COR).]

2. The department, to the extent allowed by Title XVI of the United States Social Security Act, as amended, and regulations promulgated thereunder, shall establish standard levels of state supplemental income benefits for blind, disabled and elderly people. The benefits must be provided under a modified flat benefit system, and may vary by marital status, and by living arrangements to the extent allowed by Title XVI of the United States Social Security Act, as amended, and regulations promulgated thereunder. The benefits may not be based on individual budgeted need and may not vary by category or geographical area. Benefits for a couple, except as provided under section 3273, subsection 1, paragraph B, must be equal to the sum of the amount of benefit for an individual and 50% of the benefit for an individual. [PL 2023, c. 405, Pt. A, §65 (AMD).]

3. The department may also require, as a condition of eligibility, that any applicant for benefits or beneficiary under this Part must apply for any income supplementation that may be available under any other federal or state programs operated pursuant to the provisions of the Social Security Act, if it reasonably appears that such applicant or beneficiary is likely to be eligible for income supplementation under such other programs. [PL 1973, c. 790, §3 (NEW).]

#### SECTION HISTORY

PL 1973, c. 790, §3 (NEW). RR 2015, c. 2, §12 (COR). PL 2023, c. 405, Pt. A, §65 (AMD).

#### §3272. Standard

1. **Standard.** The standard utilized to determine need shall be the current annual budget at the lower level of living for a retired couple as most recently determined by the United States Department of Labor, Bureau of Labor Statistics, for Portland, Maine, or budgets which are consistent with such a budget at the lower level of living, taking into account budget variances by marital status and living arrangements permitted pursuant to Title XVI and regulations promulgated thereunder. [PL 1973, c. 790, §3 (NEW).]

#### SECTION HISTORY

PL 1973, c. 790, §3 (NEW).

#### §3273. Types of benefits

1. **Combined benefits.** The department shall take action, as necessary, to assure that, within the limits of available funds, a state supplemental income benefit, when combined with a federal supplemental security income benefit, shall consist of such amounts that the sum shall:

A. Increase the minimum monthly federal payment standard, in addition to that established pursuant to federal law, by an amount of at least \$8 per month for an individual and \$12 per month for a couple; [PL 1973, c. 790, §3 (NEW).]

B. For an individual who resides in an adult foster home or boarding home, having a contract with the department for the provision of services to eligible residents, or nursing home, as defined in section 1812-A, in addition to the benefits provided herein under paragraphs A and C, provide sufficient income to allow the individual for personal needs an amount equal to at least \$30 a month, plus an amount sufficient to meet the monthly per resident payment rate as established by the department of the adult foster home or boarding home in which the individual resides; and [PL 1985, c. 770, §3 (AMD).]

C. For a beneficiary who resides in a living arrangement which meets a living arrangement classification established by the department, but who does not reside in an adult foster home or boarding home, in addition to the minimum federal payment level as adjusted pursuant to paragraph A, provide, based on such living arrangement classification, an amount not to exceed \$42 per month for an individual and \$63 per month for a couple. [PL 1973, c. 790, §3 (NEW).]

[PL 1985, c. 770, §3 (AMD).]

## **2. Participation limited.**

A. The limitation on eligibility of certain individuals established in subsections (e)(i)(A) and (e)(i)(B) of section 1611 of Title XVI of the United States Social Security Act, as amended, shall apply to benefits provided pursuant to this section. [PL 1979, c. 563, §2 (AMD).]

B. [P&SL 1975, c. 90, §S, §1 (RP).]

[PL 1979, c. 563, §2 (AMD).]

## **3. Payments for boarding home care.**

A. If an agreement cannot include payment levels and variations thereof to provide the individual sufficient income to meet the monthly per resident payment rate for boarding home care, the department shall take any and all reasonable action necessary to the goal of achieving, within a reasonable time, a payment structure for each boarding home that will permit execution of an agreement with the secretary for administration of all state supplemental income benefits. [PL 1973, c. 790, §3 (NEW).]

B. In the unfortunate and unlikely event that such an agreement cannot be effected to provide the individual sufficient income as specified in subsection 1, paragraph B, the department may provide a special grant whenever the benefit pursuant to subsection 1, paragraph B, is insufficient to meet the rate set for a boarding home. The department shall make such special grant preferably via a vendor payment system or via payment to a payee designated by the individual, or if necessary, via payment to the individual. Noting the intent of Title XVI of the United States Social Security Act, as amended, the administrative efficiencies, and the substantial cost savings to Maine taxpayers, it is the intent of the Legislature that the department shall take any and all reasonable action to obtain the approval of the secretary for a system of vendor payments for such special grants. [RR 1991, c. 1, §30 (COR).]

[RR 1991, c. 1, §30 (COR).]

4. Appropriations available for benefits provided in subsection 1 shall be budgeted and authorized for expenditure by the department in a priority sequence. First, the available appropriation shall be budgeted and expended to increase the minimum monthly federal payment, as specified in subsection 1, paragraph A. Second, any balance of the appropriation remaining after such budgeting, shall be budgeted and expended to provide an individual sufficient income for personal needs, in accordance with subsection 1, paragraph B, and to meet the monthly per resident payment rate for adult foster and boarding home care as provided in subsection 1, paragraph B and subsection 3. Finally, any balance of

the appropriations remaining after such budgeting shall be budgeted and expended to provide benefits related to variations by living arrangements as provided in subsection 1, paragraph C.

[PL 1979, c. 563, §3 (AMD).]

**5.** Retroactive payments relating to benefits provided in subsection 1, paragraph B, and subsection 3 shall not be made for any care provided prior to April 1, 1974. Retroactive payments relating to benefits provided in subsection 1, paragraphs A and C, shall not be provided for any period of time prior to July 1, 1974.

[PL 1973, c. 790, §3 (NEW).]

**6. Future changes in types of benefits.**

A. It is the declared intent of this Act that, if it is proposed that benefits provided pursuant to subsection 1 are to be increased on any future date, that such proposal shall recommend, and implementation of such increases shall provide, that the benefits pursuant to subsection 1, paragraph A, shall be increased, and the benefits pursuant to subsection 1, paragraph B, shall be increased, rather than increasing benefits pursuant to subsection 1, paragraph C. [PL 1973, c. 790, §3 (NEW).]

B. [PL 1991, c. 528, Pt. E, §24 (AMD); PL 1991, c. 528, Pt. RRR (AFF); PL 1991, c. 591, Pt. E, §24 (AMD); MRSA T. 22 §3273, sub-§6, ¶ B (RP).]

B-1. On July 1st of every year, the sum of the monthly amount of any state supplemental income benefit authorized by subsection 1, paragraphs A and C, plus the amount of the minimum monthly federal supplemental security income in effect at that time must be increased by a percentage amount equal to the percentage rise in the United States Consumer Price Index for April 1st of that year over the level of the Index for April 1st of the previous year plus any additional percentage amount as is recommended annually by the department. Such an increase may be made only insofar as appropriations are available. In determining the additional percentage amount, consideration must be given to the goal of reaching, within a reasonable time, a benefit level equal to or consistent with the current budget at the lower level of living for a retired couple established by the United States Department of Labor, Bureau of Labor Statistics, for Portland, Maine.

If, on April 1st of any year, the sum of the monthly amount of any state supplemental payment authorized by subsection 1, paragraphs A and C, plus the amount of the minimum monthly federal supplemental security income in effect at that time, is equal to or exceeds the amount resulting from 12 divided into the current annual budget at the lower level of living for a retired couple as most recently established by the United States Department of Labor, Bureau of Labor Statistics, for Portland, Maine, or taking into account variances by marital status and living arrangements as established by the department, a budget that is not inconsistent with that annual budget divided by 12, the increase provided on July 1st next following is limited to the percentage rise in the Consumer Price Index.

This paragraph takes effect July 1, 1993. [PL 1991, c. 528, Pt. E, §25 (NEW); PL 1991, c. 528, Pt. RRR (AFF); PL 1991, c. 591, Pt. E, §25 (NEW).]

[PL 1991, c. 528, Pt. E, §§24, 25 (AMD); PL 1991, c. 528, Pt. RRR (AFF); PL 1991, c. 591, Pt. E, §§24, 25 (AMD).]

**7. Balances of funds not to lapse.**

[PL 2009, c. 462, Pt. I, §1 (RP).]

**7-A. Transfer of funds prohibited.** Funds appropriated to support benefits authorized under sections 3271 and 3274 may not be transferred by financial order unless the funds are transferred to the Department of Health and Human Services, Departmentwide program. These amounts may be transferred by financial order upon the recommendation of the State Budget Officer and approval of the Governor. These transfers are not considered adjustments to appropriations.

[PL 2015, c. 267, Pt. XX, §1 (AMD).]

**8. Rulemaking.** In addition to any other rule-making authority granted under this chapter, the department may adopt emergency rules. The need to reduce benefits to eligible recipients and payments to boarding homes via vendor payments in accordance with the appropriations made available for this purpose is considered an emergency for the purpose of emergency rulemaking.

[PL 1991, c. 622, Pt. M, §12 (NEW).]

**9. Supplemental security income for legal immigrants.** Supplemental security income for legal immigrants is governed by the following.

A. The department shall provide assistance to all aliens lawfully residing in the United States who would be eligible for assistance under the federal supplemental security income program, 42 United States Code, Section 1381, et seq. except for the provisions of Sections 401, 402 and 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. [PL 1997, c. 643, Pt. WW, §1 (NEW).]

B. The total amount of monthly assistance provided under this section must equal the amount that the individual would be eligible to receive under the federal supplemental security income program, 42 United States Code, Section 1382, or its successor, if the individual were eligible for that program, and the state supplemental income payment provided to eligible individuals under section 3274. [PL 1997, c. 643, Pt. WW, §1 (NEW).]

[PL 1997, c. 643, Pt. WW, §1 (NEW).]

**10. Balances of funds not to lapse.** Any balances of funds appropriated for the program of state supplemental income benefits authorized under sections 3271 and 3274 may not lapse but must be carried forward from year to year to be expended for the same purpose.

[PL 2011, c. 655, Pt. U, §1 (NEW).]

## SECTION HISTORY

PL 1973, c. 790, §3 (NEW). P&SL 1975, c. 90, §§SEC.S,1 (AMD). PL 1975, c. 623, §28 (AMD). PL 1977, c. 712, §F3 (AMD). PL 1979, c. 563, §§1-3 (AMD). PL 1983, c. 749, §2 (AMD). PL 1985, c. 506, §§B18-A (AMD). PL 1985, c. 770, §3 (AMD). RR 1991, c. 1, §30 (COR). PL 1991, c. 528, §§E24,25 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §§E24,25 (AMD). PL 1991, c. 622, §M12 (AMD). PL 1997, c. 643, §WW1 (AMD). PL 2009, c. 462, Pt. I, §§1, 2 (AMD). PL 2011, c. 655, Pt. U, §1 (AMD). PL 2015, c. 267, Pt. XX, §1 (AMD).

### §3274. Mandatory payments

**1. Amount of payment.** The department shall provide so-called "mandatory" state supplemental income payments to beneficiaries of the supplemental security income program who receive payments under the state's former aid to the aged, blind and disabled program based on eligibility established for the month of December, 1973.

A so-called "mandatory" state supplemental income benefit, when combined with a federal supplemental security income benefit, shall, to the extent required by federal law to qualify the State of Maine to receive federal matching funds for medical care pursuant to Title XIX of the United States Social Security Act, as amended, and in so far as funds are available, be at least equal to and in no event less than the level of payment to such a recipient effective for December, 1973, under the former state aid to the aged, blind and disabled program, based on eligibility for December, 1973, in accordance with standards of payment applicable to such aid.

[PL 1973, c. 790, §3 (NEW).]

**2. Administration.** Insofar as an agreement made pursuant to section 3261 pertains to so-called "mandatory" payments, it shall provide that the department enter into an agreement with the secretary under which the secretary, through the Social Security Administration, on behalf of the State of Maine,

shall administer, effective with payments issued on January 1, 1974 and thereafter the program of so-called "mandatory" state supplemental income benefits authorized in subsection 1.

[PL 1973, c. 790, §3 (NEW).]

**3. Applying for benefits.** Persons who receive payments under the state's former aid to aged, blind and disabled Program based on eligibility established for the month of December, 1973, shall, if eligible, receive benefits provided pursuant to this Part and for medical care benefits provided by the State of Maine pursuant to Title XIX of the United States Social Security Act, as amended, without filing an application for supplemental security income with the Social Security Administration.

[PL 1973, c. 790, §3 (NEW).]

**4. Inconsistent provisions.** The provisions of sections 3271, 3272 and 3273, except for section 3273, subsection 7-A, do not apply to so-called "mandatory" payments. If any provision of these sections is inconsistent with this section, this section, as it relates to mandatory payments, prevails.

[PL 2009, c. 462, Pt. I, §3 (AMD).]

#### SECTION HISTORY

PL 1973, c. 790, §3 (NEW). PL 2009, c. 462, Pt. I, §3 (AMD).

#### §3274-A. Personal needs of nursing home residents

In administering this chapter, the department shall ensure that eligible individuals residing in nursing homes, as defined in section 1812-A, shall have at least \$30 a month for personal needs. [PL 1979, c. 563, §4 (NEW).]

#### SECTION HISTORY

PL 1979, c. 563, §4 (NEW).

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