

10-144 Chapter 101
MAINECARE BENEFITS MANUAL
CHAPTER VII

SECTION 5

ESTATE RECOVERY

Established: 9/18/95

Last Updated: 11/30/20

5.07 GENERAL REQUIREMENTS FOR ALL WAIVERS (cont.)

3. The applicant must be either the son or daughter of the Member or an adult aged eighteen (18) or older; and
4. The Department may require the applicant to submit any information and documentation regarding the applicant's and all household Member's finances, tax returns, property, employment, liabilities, expenses, and any other matters relevant and necessary to determine whether an undue hardship would result from recovery. If the information requested by the Department is not provided within sixty (60) days of the written request of the Department, or if the request is materially incomplete the request for an undue hardship waiver may be denied; and
5. The applicant must prove that they have a beneficial interest in the estate:
 - a. through a legal right to the property of the estate through a will;
 - b. through the law of intestate succession; or
 - c. must establish to the Department's satisfaction by providing written documentation that the applicant:
 - i. cohabitated with the Member for the five consecutive years prior to the Member's most recent eligibility for MaineCare benefits;
 - ii. provided significant support for the household and to maintain property in the estate during that time; and
 - iii. along with the Member held themselves out to the public as married or in a civil union; and
6. Should the applicant's beneficial interest in the estate be less than 100%, the Department must reduce the undue hardship waiver, if granted, to meet the applicant's beneficial interest; and
7. If the applicant is securing agreement from other heirs to increase their legal interest in the estate, the applicant must do so through irrevocable assignment by the other heirs; and
8. For all applicants claiming a beneficial interest in the estate, if the asset of concern to the applicant is the decedent's home, the applicant must prove that the home was the applicant's primary residence for two or more years immediately prior to the death of the MaineCare recipient, that the applicant's contribution to the upkeep of the house was significant, and that it was the understanding and belief of both the MaineCare recipient and the applicant that this was the home of both the applicant and the MaineCare recipient; and