

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 18

S.P. 30

In Senate, January 8, 2025

An Act to Allow the Department of Corrections to Increase Health Care Fees and Use the Proceeds from Those Fees to Offset the Costs of Client Medical Care Support Workers

Submitted by the Department of Corrections pursuant to Joint Rule 204.

Received by the Secretary of the Senate on January 6, 2025. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator MOORE of Washington.

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

2 **Sec. 1. 34-A MRSA §3031, sub-§2**, as amended by PL 2021, c. 359, §§2 and 3, is
3 further amended to read:

4 **2. Medical care.** Adequate professional medical care and adequate professional
5 mental health care, which do not include medical treatment or mental health treatment
6 requested by the client that the facility's treating physician or treating psychiatrist or
7 psychologist determines unnecessary. The commissioner may establish reasonable
8 medical and dental fees not to exceed \$~~5~~ \$25 for the medical and dental services that are
9 provided pursuant to this subsection and a reasonable fee not to exceed \$~~5~~ \$25 for
10 prescriptions, medication or prosthetic devices. Except as provided in paragraph A, every
11 client may be charged a medical or dental services fee for each medical or dental visit,
12 prescription, medication or prosthetic device. The facility shall collect the fee. All money
13 received by the department under this subsection is retained by the facility to offset the cost
14 of paying client workers who support medical care and related services for other clients,
15 including, but not limited to, client workers who assist other clients receiving hospice
16 services and client workers who assist clients with disabilities with activities of daily living.
17 After first being used to defray this cost, money is retained by the facility to offset the cost
18 of medical and dental services, prescriptions, medication and prosthetic devices.

19 A. A client is exempt from payment of medical and dental services fees and fees for
20 prescriptions, medication or prosthetic devices when the client:

- 21 (1) Receives treatment initiated by facility staff;
- 22 (2) Is a juvenile;
- 23 (3) Is pregnant;
- 24 (4) Is a person with a serious mental illness or developmental disability. For the
25 purposes of this paragraph, "a person with a serious mental illness or
26 developmental disability" means a client who, as a result of a mental disorder or
27 developmental disability, exhibits emotional or behavioral functioning that is so
28 impaired as to interfere substantially with the client's capacity to remain in the
29 general prison population without supportive treatment or services of a long-term
30 or indefinite duration, as determined by the facility's psychiatrist or psychologist.
31 The exemption under this paragraph applies only to supportive treatment or
32 services being provided to improve the client's emotional or behavioral
33 functioning;
- 34 (5) Is an inpatient at a state-funded mental health facility or is a resident at a state-
35 funded facility for individuals with adult developmental disabilities;
- 36 (6) Is undergoing follow-up treatment;
- 37 (7) Receives emergency treatment as determined by the facility's medical or dental
38 staff; or
- 39 (8) Has less than \$15 in the client's facility account and did not receive additional
40 money from any source for 6 months following the medical or dental service or
41 provision of the prescription, medication or prosthetic device.

1 A-1. A client who is indigent is exempt from fees charged for requesting or obtaining
2 records of medical, dental or mental health care provided to the client pursuant to this
3 subsection.

4 B. Notwithstanding paragraphs A and A-1, the State may bring a civil action in a court
5 of competent jurisdiction to recover the cost of medical, dental, psychiatric or
6 psychological expenses incurred by the State on behalf of a client incarcerated in a
7 facility. The following assets are not subject to judgment under this paragraph:

- 8 (1) Joint ownership, if any, that the client may have in real property;
- 9 (2) Joint ownership, if any, that the client may have in any assets, earnings or other
10 sources of income; and
- 11 (3) The income, assets, earnings or other property, both real and personal, owned
12 by the client's spouse or family;

13 **SUMMARY**

14 This bill increases the amount the Commissioner of Corrections may charge clients of
15 correctional and detention facilities for medical and dental fees from \$5 to \$25 and requires
16 the proceeds from those fees to be used as a first priority to pay client workers who support
17 medical care and related services for other clients.