MAINE STATE LEGISLATURE

The following document is provided by the

LAW AND LEGISLATIVE DIGITAL LIBRARY

at the Maine State Law and Legislative Reference Library

http://legislature.maine.gov/lawlib



Reproduced from scanned originals with text recognition applied (searchable text may contain some errors and/or omissions)

		F	IRST R	EGUL	AR SE	SSION				
	ONE	HUNDRI	ED AND	ELE	VENTH	LEGIS	SLAI	URE		
Legisla	tive Dod	cument							N	lo. 93
H.P. 7	.5			Н	ouse of	Represe	ntati	ves, M	arch !	1, 198
Commi	tee on B	of Repres								
printed						E	DWI	N H. I	PERT	, Cle
Co		presentati : Representati ort.					and F	Repres	entativ	/e
			STAT	E OF	MAIN	E				
	N	IN INETEEI				R LORI IGHTY-		EE		
		ACT Reents in								
Be it		ed by	the Pe	ople	of t	he Sta	ate	of M	aine	e a
2	1 MRSA	§2906	is en	acte	d to	read:				
§2906	. Col	latera	l sour	ce p	aymen	ts				
	s us	ed i	n th	is_	subch	apter	<u>, 11</u>	heal	th	car
provi	der" m	eans ar	ny per	son,	corp	oratio	on,	faci	lity	7 0
		lice								
care	servic	es, i	ncludi	ng,	but	not	lim	11 ted	<u>to</u>	·
physi	cian,	hospi	tal,	dent	ıst,	nurse	<u>, </u>	opto	metr	1st
		chiro								
		or an								
ictin	g in t.	he cou:	rse an	id sc	ope o	i his	emp	TOAM	ent.	

In any action for damages for injury or death against a health care provider, whether based upon tort, breach of contract, or otherwise, where the liability of the defendant, or defendants, is admitted or established, a separate hearing shall be held before the court at which time evidence shall be admissible for consideration on the question of whether any cost or expense incurred by the plaintiff, or plaintiffs, for medical care, custodial care, rehabilitation services, loss of earned income or other economic loss has been replaced or indemnified, in whole or in part, by insurance, excepting life insurance; governmental, employee or service benefit programs; or any other source, except the assets of the claimant or of the claimant's immediate family.

If the court determines that any such cost or expense was replaced or indemnified from any collateral source, in whole or in part, it shall reduce the amount of the plaintiff's award by the amount minus a sum equal to the yearly premium paid by the plaintiff for those benefits.

STATEMENT OF FACT

This bill provides for a hearing to be held in medical malpractice cases, after the liability of a defendant has been established, to determine whether any of the cost or expense incurred by the plaintiff for medical care, custodial care, rehabilitative services, loss of earned income or other economic loss has been replaced or indemnified by any 3rd party except the plaintiff's immediate family. If the court determines that there has been a replacement or indemnification of the plaintiff's damages from any such source, in whole or in part, it must reduce the amount of the plaintiff's award by those amounts minus a sum equal to the yearly premium paid by the plaintiff for these benefits.

38 1055010883