

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1516

S.P. 499

In Senate, May 11, 1987

Submitted by the Department of Corrections pursuant to
Joint Rule 24.

Referred to the Committee on Judiciary and ordered
printed. Sent down for concurrence.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator GILL of Cumberland.

Cosponsored by Representative FOSS of Yarmouth,
Representative STROUT of Corinth.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT to Clarify the Laws Pertaining to
Payment for Medical Services.

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

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34-A MRSA §3031, sub-§2, as amended by PL 1985,
c. 752, §3, is further amended to read:

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2. Medical care. Adequate professional medical
care, not including medical treatment requested by
the prisoner committed offender which the correctional
facility's treating physician deems unnecessary.
The State may bring a civil action in any court of
competent jurisdiction to recover the cost of any
medical, dental, psychiatric or psychological ex-
penses incurred by the State on behalf of any
prisoner committed offender incarcerated in a correc-

1 tional facility. The following assets are not subject
2 to judgment under this subsection:

3 A. Joint ownership, if any, that the offender
4 may have in real property;

5 B. Joint ownership, if any, that the offender
6 may have in any assets, earnings or other sources
7 of income; and

8 C. The income, assets, earnings or other proper-
9 ty, both real and personal, owned by the
10 offender's spouse or family.

11 STATEMENT OF FACT

12 The Maine Revised Statutes, Title 34-A, section
13 3031, subsection 2, does not clearly indicate if the
14 department may seek payment for medical services from
15 parents or guardians of youths adjudicated to the
16 Maine Youth Center. The law as now written uses the
17 term "prisoner" (which means adult) in the first par-
18 agraph, but uses the term "offender" (which means
19 adult and juvenile) in paragraphs A, B and C. At the
20 present time, when the department feels that a com-
21 mitted offender (adult or juvenile) is insured or the
22 adult has sufficient funds or the parents or guardi-
23 ans of a juvenile have sufficient funds, the medical
24 bills are sent to them for payment. Title 34-A, sec-
25 tion 3071, subsection 4, uses the term "committed of-
26 fender" which allows the department under that sec-
27 tion of law dealing with medical services to send the
28 bills for the medical expenses to the guardians or
29 parents of a juvenile as well as have the prisoner
30 pay. As one reads the 2 laws, they would appear to
31 be in disagreement with each other as they relate to
32 juveniles. It is felt that it was intended in Title
33 34-A, section 3031, subsection 2, to use the term
34 "committed offender" throughout the law.

35 Title 34-A, section 3031, subsection 2, should be
36 revised by removing the word "prisoner" where found
37 and inserting the words "committed offender", it
38 would be clear that the department would be able to
39 seek payment for medical services deemed necessary by

1 the department from a prisoner, parents or guardians
2 of a juvenile while they are under the supervision of
3 the Department of Corrections. This would further
4 bring this law into compliance with Title 34-A, sec-
5 tion 3071, subsection 4.

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