

# 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)

2  
4  
6  
8  
10  
12  
14  
16  
18  
20  
22  
24  
26  
28  
30  
32  
34  
36  
38  
40  
42  
44  
46  
48  
50

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
114TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1540, L.D. 2125, Bill, "An Act to Clarify the Laws Regarding Recovery of Medicaid Payments from Liable Third Parties"

Amend the bill in section 1 by striking out all of the 2nd paragraph (page 1, lines 24 to 30 in L.D.) and inserting in its place the following:

'If a recipient of medical assistance receives a settlement or award from a 3rd party, the settlement or award is subject to disbursement as provided in subsection 2-F.'

Further amend the bill by adding after section 1 the following:

'Sec. 2. 22 MRSA §14, sub-§2-F, as enacted by PL 1987, c. 621, is amended to read:

2-F. Disbursement. No A disbursement of any award, judgment or settlement may not be made to a recipient without the recipient or the recipient's attorney first providing at least 10 days' written notice to the department of the award, judgment or settlement or obtaining from the department a release of any obligation owed to it for medical benefits provided to the recipient. If a dispute arises between the recipient and the commissioner as to the settlement of any claim that the commissioner may have under this section, the 3rd party or the recipient's attorney shall withhold from disbursement to the recipient an amount equal to the commissioner's claim. Either party may apply to the Superior Court or the District Court in which an action based upon the recipient's claim could have been commenced for an order to determine an equitable apportionment between the commissioner and the recipient of the amount withheld. An order of apportionment has the effect of a judgment.'

Further amend the bill by renumbering the sections to read consecutively.

2 Further amend the bill by inserting before the statement of  
fact the following:

4  
6 **FISCAL NOTE**

8 The Judicial Department has indicated it can absorb the  
additional costs should an increase in the number of cases filed  
10 occur as a result of this bill.'

12  
14 **STATEMENT OF FACT**

16 This amendment requires that a settlement or award to a  
recipient of medical assistance be withheld at the request of the  
18 Commissioner of Human Services for a period of 30 days and  
permits either the commissioner or the recipient to ask a court  
20 to apportion the settlement or award.

Reported by the Committee on Human Resources  
Reproduced and distributed under the direction of the Clerk of the  
House  
3/5/90 (Filing No. H-864)