

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1244

H.P. 891

House of Representatives, April 11, 1995

An Act to Require County and State Inmates to Pay a Health Care Fee.

Reference to the Committee on Criminal Justice suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative WHEELER of Bridgewater.
Cosponsored by Senator BENOIT of Franklin and
Representatives: AIKMAN of Poland, BAILEY of Township 27, BUNKER of Kossuth
Township, CLARK of Millinocket, CLUKEY of Houlton, DEXTER of Kingfield,
DONNELLY of Presque Isle, GERRY of Auburn, GOOLEY of Farmington, KERR of Old
Orchard Beach, KNEELAND of Easton, LAYTON of Cherryfield, LINDAHL of Northport,
McALEVEY of Waterboro, MORRISON of Bangor, NASS of Acton, O'NEAL of Limestone,
PINKHAM of Lamoine, ROBICHAUD of Caribou, WATERHOUSE of Bridgton, Senators:
FERGUSON of Oxford, HALL of Piscataquis, KIEFFER of Aroostook, MICHAUD of
Penobscot.

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

2
4 **Sec. 1. 30-A MRS §1561**, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is repealed and the following enacted in its place:

6 **§1561. Medical care and expenses**

8 Any person residing in a county jail has a right to adequate professional medical care, not including medical treatment requested by the prisoner that the facility's treating physician determines unnecessary. The county commissioners may establish medical and dental fees not to exceed \$5 for the medical and dental services that are provided pursuant to this section and a fee not to exceed \$5 for prescriptions, medication or prosthetic devices. Except as provided in subsection 1, every prisoner may be charged a medical or dental services fee for each medical or dental visit. The facility shall collect the fee. All money received by a county jail under this section is retained by the jail to offset the costs of medical and dental services.

20 **1. Exemption from fees.** The following prisoners or medical visits are exempt from payment of medical and dental services fees and fees for prescriptions, medication or prosthetic devices:

24 A. Visits initiated by county jail staff;

26 B. Juveniles;

28 C. Pregnant women;

30 D. Seriously mentally ill prisoners or developmentally disabled prisoners. For the purposes of this paragraph, "seriously mentally ill prisoners" or "development disabled prisoners" means prisoners who, as a result of a mental disorder or developmental disability, exhibit emotional or behavioral functioning that is so impaired as to interfere substantially with their capacity to remain in the general prison population without supportive treatment or services of a long-term or indefinite duration, as determined by the facility's psychiatrist or psychologist;

42 E. Prisoners who are inpatients at a state-funded mental health or mental retardation facility;

44 F. Prisoners who are undergoing follow-up treatment;

46 G. Emergency treatment as determined by the facility's medical or dental staff; or

2 H. Prisoners who have less than \$15 in their facility
3 account and who do not receive additional money from any
4 source for 6 months following the medical or dental service.

6 2. Civil action for recovery of expenses. Notwithstanding
7 the other provisions of this section, the State may bring a civil
8 action in a court of competent jurisdiction to recover the cost
9 of medical, dental, psychiatric or psychological expenses
10 incurred by the State on behalf of a prisoner incarcerated in a
11 facility. The following assets are not subject to judgment under
12 this subsection:

13 A. Joint ownership, if any, that the prisoner may have in
14 real property;

15 B. Joint ownership, if any, that the prisoner may have in
16 any assets, earnings or other sources of income; and

17 C. The income, assets, earnings or other property, both
18 real and personal, owned by the prisoner's spouse or family.

19 **Sec. 2. 34-A MRSA §3031, sub-§2,** as amended by PL 1991, c.
20 314, §35, is repealed and the following enacted in its place:

21 2. Medical care. Adequate professional medical care, not
22 including medical treatment requested by the client that the
23 facility's treating physician determines unnecessary. The
24 commissioner may establish medical and dental fees not to exceed
25 \$5 for the medical and dental services that are provided pursuant
26 to this subsection and a fee not to exceed \$5 for prescriptions,
27 medication or prosthetic devices. Except as provided in
28 paragraph A, every client may be charged a medical or dental
29 services fee for each medical or dental visit. The facility
30 shall collect the fee. All money received by the department
31 under this subsection is retained by the facility to offset the
32 cost of medical and dental services.

33 A. The following clients or medical visits are exempt from
34 payment of medical and dental services fees and fees for
35 prescriptions, medication or prosthetic devices:

36 (1) Visits initiated by facility staff;

37 (2) Juveniles;

38 (3) Pregnant clients;

39 (4) Seriously mentally ill clients or developmentally
40 disabled clients. For the purposes of this paragraph,
41 "seriously mentally ill clients" or "developmentally
42 disabled clients."

2 disabled clients" means clients who, as a result of a
4 mental disorder or developmental disability, exhibit
6 emotional or behavioral functioning that is so impaired
8 as to interfere substantially with their capacity to
remain in the general prison population without
supportive treatment or services of a long-term or
indefinite duration as determined by the facility's
psychiatrist or psychologist;

10 (5) Clients who are inpatients at a state-funded
12 mental health or mental retardation facility;

14 (6) Clients who are undergoing follow-up treatment;

16 (7) Emergency treatment as determined by the
facility's medical or dental staff; and

18 (8) Clients who have less than \$15 in their facility
20 account and who do not receive additional money from
any source for 6 months following the service.

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

28 (1) Joint ownership, if any, that the client may have
30 in real property;

32 (2) Joint ownership, if any, that the client may have
34 in any assets, earnings or other sources of income; and

36 (3) The income, assets, earnings or other property,
38 both real and personal, owned by the client's spouse or
family.

40 **STATEMENT OF FACT**

42
44 This bill establishes a fee, not to exceed \$5 per item, for
46 medical and dental services and certain medical and dental items
48 for clients of state correctional facilities and prisoners in
county jails. Exemptions are provided for certain clients and
prisoners or services. Existing provisions for recovering full
costs of medical treatment through a civil action remain, but
this bill allows more expeditious charges for basic medical

2 services. Money received under this bill is retained to help
offset the costs of these services.