

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1314

H.P. 922

House of Representatives, March 12, 2007

An Act To Reimburse MaineCare in Certain Workers' Compensation Cases

Reference to the Committee on Labor suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative PATRICK of Rumford.
Cosponsored by Senator BRYANT of Oxford and
Representatives: BRYANT of Windham, CARTER of Bethel, HARLOW of Portland,
JACKSON of Allagash, LUNDEEN of Mars Hill, PINGREE of North Haven, SUTHERLAND
of Chapman, THERIAULT of Madawaska.

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

2 **Sec. 1. 39-A MRSA §209, sub-§4** is enacted to read:

3 **4. MaineCare reimbursement.** MaineCare must be paid 100% of any expenses
4 incurred for the treatment of an injury of an employee under this Title.

5 **Sec. 2. 39-A MRSA §324, sub-§1**, as enacted by PL 1991, c. 885, Pt. A, §8 and
6 affected by §§9 to 11, is amended to read:

7 **1. Order or decision.** The employer or insurance carrier shall make compensation
8 payments within 10 days after the receipt of notice of an approved agreement for payment
9 of compensation or within 10 days after any order or decision of the board awarding
10 compensation. If the board enters a decision awarding compensation and an appeal is
11 filed with the Law Court pursuant to section 322, payments may not be suspended while
12 the appeal is pending. The employer or insurer may recover from an employee payments
13 made pending appeal to the Law Court if and to the extent that the Law Court has decided
14 that the employee was not entitled to the compensation paid. The board has full
15 jurisdiction to determine the amount of overpayment, if any, and the amount and schedule
16 of repayment, if any. The board, in determining whether or not repayment should be
17 made and the extent and schedule of repayment, shall consider the financial situation of
18 the employee and the employee's family and may not order repayment that would work
19 hardship or injustice. The board shall notify the Commissioner of Health and Human
20 Services within 10 days after the receipt of notice of an approved agreement for payment
21 of compensation or within 10 days after any order or decision of the board awarding
22 compensation identifying the employee who is to receive the compensation.

23 **SUMMARY**

24 This bill requires MaineCare expenses incurred for the treatment of an injury of an
25 employee covered by workers' compensation to be reimbursed 100% and requires the
26 Workers' Compensation Board to notify the Commissioner of Health and Human
27 Services within 10 days after the receipt of notice of an approved agreement for payment
28 of compensation or within 10 days after any order or decision of the board awarding
29 compensation identifying the employee who is to receive the compensation.