

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 756

H.P. 507

House of Representatives, February 28, 2013

An Act Regarding Subrogation of Medical Payments Coverage

Reference to the Committee on Insurance and Financial Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BECK of Waterville.
Cosponsored by Representatives: BERRY of Bowdoinham, CAREY of Lewiston, Senator:
GERZOFSKY of Cumberland.

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

2 **Sec. 1. 24-A MRSA §2910-A, sub-§1**, as amended by PL 2011, c. 509, §1, is
3 further amended to read:

4 **1. Policy requirements.** A casualty insurance policy subject to this chapter may not
5 provide for subrogation or priority over the insured of payment for any hospital, nursing,
6 medical or surgical services or of any expenses paid or reimbursed under the medical
7 payments coverage in the policy in the event the insured is entitled to receive payment or
8 reimbursement from any other person as a result of legal action or claim, ~~except as~~
9 ~~provided in this section.~~

10 ~~The coverage may contain a provision that allows the payments if:~~

11 ~~B. The provision requires the written approval of the insured;~~

12 ~~C. The provision provides that the insurer's subrogation right is subject to~~
13 ~~subtraction to account for the pro rata share of the insured's attorney's fees incurred in~~
14 ~~obtaining the recovery from another source; and~~

15 ~~D. The provision is approved by the superintendent.~~

16 **SUMMARY**

17 This bill strikes language in the law that allows subrogation or priority over the
18 insured of medical payments in certain instances in a casualty insurance policy for any
19 hospital, nursing, medical or surgical services or any expenses paid or reimbursed under
20 the medical payments coverage in the policy in the event that the insured is entitled to
21 receive payment.