

# MAINE STATE LEGISLATURE

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L.D. 461

Date: 6-14-21

(Filing No. H-600)

MAJORITY  
JUDICIARY

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
130TH LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 337, L.D. 461, "An Act To Allow the Reduction of a MaineCare Lien"

Amend the bill by inserting after section 1 the following:

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF  
Medical Care - Payments to Providers 0147**

Initiative: Provides funding to offset the loss of recoveries in the MaineCare program due to the reduction of statutory liens for attorney's fees or litigation costs.

| GENERAL FUND       | 2021-22   | 2022-23   |
|--------------------|-----------|-----------|
| All Other          | \$324,720 | \$324,000 |
| GENERAL FUND TOTAL | \$324,720 | \$324,000 |

| FEDERAL EXPENDITURES FUND       | 2021-22   | 2022-23   |
|---------------------------------|-----------|-----------|
| All Other                       | \$575,280 | \$576,000 |
| FEDERAL EXPENDITURES FUND TOTAL | \$575,280 | \$576,000 |

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

**ROS**

COMMITTEE AMENDMENT "A" to H.P. 337, L.D. 461

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**SUMMARY**

This amendment, which is the majority report of the committee, adds an appropriations and allocations section.

**FISCAL NOTE REQUIRED**  
(See attached)

**COMMITTEE AMENDMENT**



Approved: 05/20/21 *MAC*

# 130th MAINE LEGISLATURE

LD 461

LR 1220(02)

## An Act To Allow the Reduction of a MaineCare Lien

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Judiciary

Fiscal Note Required: Yes

*ACH-600*

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### Fiscal Note

|                                   | FY 2021-22 | FY 2022-23 | Projections<br>FY 2023-24 | Projections<br>FY 2024-25 |
|-----------------------------------|------------|------------|---------------------------|---------------------------|
| <b>Net Cost (Savings)</b>         |            |            |                           |                           |
| General Fund                      | \$324,720  | \$324,000  | \$324,000                 | \$324,000                 |
| <b>Appropriations/Allocations</b> |            |            |                           |                           |
| General Fund                      | \$324,720  | \$324,000  | \$324,000                 | \$324,000                 |
| Federal Expenditures Fund         | \$575,280  | \$576,000  | \$576,000                 | \$576,000                 |
| <b>Revenue</b>                    |            |            |                           |                           |
| Federal Expenditures Fund         | \$575,280  | \$576,000  | \$576,000                 | \$576,000                 |
| Other Special Revenue Funds       | \$324,720  | \$324,000  | \$324,000                 | \$324,000                 |

### Fiscal Detail and Notes

The bill includes General Fund appropriations to the Department of Health and Human Services of \$324,720 in fiscal year 2021-22 and \$324,000 in fiscal year 2022-23 due to the elimination of the prohibition on reducing the statutory lien to reflect an assessment of the recipient's attorney's fees or litigation costs. Federal Expenditures Fund allocations are also included for the FMAP match.

The bill also changes statute to state that the MaineCare lien can only apply to the portion of the award or settlement that is attributable to medical expenses paid by MaineCare. This limitation is already the law based on two Supreme Court decisions, *Arkansas v. Ahlborn*, 547 U.S. 268 (2006) and *Wos v. E.M.A.*, 568 U.S. 627 (2013), so there is no fiscal impact associated with this change.