

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

AT THE

SECOND REGULAR SESSION

January 2, 1980 to April 3, 1980

AND AT THE

THIRD SPECIAL SESSION

May 22, 1980

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

K. J. Printing Co.
Augusta, Maine

PUBLIC LAWS
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arranged by employee cooperatives, labor unions, credit unions and neighborhood groups which are operated for the convenience of their members, and vehicles operated under the auspices of government sponsored commuter matching services and brokerage programs, and individuals or groups providing nonprofit matching and other brokerage type services.

7. For profit brokerage and matching services. "For profit brokerage and matching services" means that the provider of the service neither sets the rates for the service, provides backup transportation, passes upon the qualifications of the drivers or their vehicles, establishes the routes nor collects the fees paid for the service. The business of matching drivers with passengers and the rendering of technical assistance in support of cooperative use transportation is exempt from regulation under this chapter.

8. For profit car pooling and van pooling. "For profit car pooling and van pooling" means the business of organizing and operating a car pooling or van pooling system. In this context, "car pools and van pools" mean any vehicle used in a continuing form of prearranged commuter transportation by a relatively fixed group of 15 persons or less for travel between their places of residence and their place of employment. The business of organizing and operating a car pooling or van pooling system, including the selection and approval of cars, vans and drivers, the fixing and collection of fees, the establishment of routes and the provision of backup transportation, is exempt from regulation under this chapter provided that proof of adequate insurance coverage, as determined by the Bureau of Insurance and the Public Utilities Commission, is filed with the Public Utilities Commission prior to commencing operation.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective February 22, 1980

CHAPTER 610

S. P. 709 — L. D. 1845

AN ACT to Aid Recovery of Medicaid Funds.

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

Sec. 1. 22 MRS § 14, as enacted by PL 1979, c. 145 is amended to read:

§ 14. Action against parties liable for medical care rendered to assistance recipients; assignment of claims

1. Recovery procedures. When benefits are provided or will be provided to a beneficiary under the Medicaid program administered by the department pursuant to the Federal Social Security Act, Title XIX, ~~because of an injury for which another person for the medical costs of injury, disease, disability or similar occurrence for which a third party~~ is civilly liable, the commissioner shall have the right to recover from that ~~person party~~ the reasonable value of the benefits so provided. The Attorney General, or counsel for any fiscal intermediary with the permission of the Attorney General, may, to enforce this right, institute and prosecute legal proceedings against the ~~3rd person who is liable for the injury~~ **third party** in the appropriate court, either in the name of the ~~commissioner~~ **commissioner** or in the name of the injured person, **beneficiary**, his guardian, personal representative, estate or survivor.

In the event that the recipient has already received compensation ~~for injuries received from the third party responsible~~, the commissioner may recover from the recipient the amount expended for aid in a civil action. The action shall be prosecuted by the Attorney General and the amount recovered shall be credited to the account for the program which supplied aid to the recipient.

The commissioner may compromise, or settle and execute a release of, any claim or waive any claim, in whole or in part, for the convenience of the commissioner, or if the commissioner determines the collection will result in undue hardship upon the ~~person who suffered the injury~~ **recipient**.

In any case in which ~~3rd~~ **third-party** liability is found under this section, the commissioner shall be subrogated to the rights of the individual for whom medical assistance was made available.

2. Condition for eligibility. As a condition for eligibility for benefits under the Medicaid program administered by the department pursuant to the Federal Social Security Act, Title XIX, the commissioner may require a recipient to assign to the department the right to recover from ~~3rd~~ **third parties** for ~~injuries received~~ **medical cost of injury, disease, disability or similar occurrence** for which the recipient receives medical benefits. The department's assigned right to recover shall be limited to the amount of medical benefits received by the recipient.

Sec. 2. 22 MRSA § 14, sub-§ 3 is enacted to read:

3. Definitions. For purposes of this section, "third party" means any entity that is or may be liable to pay all or part of the medical cost of injury, disease, disability or similar occurrence of an applicant or recipient of Medicaid.