

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
**FIRST REGULAR SESSION**

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
SEPTEMBER 30, 1989

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

---

J.S. McCarthy Company  
Augusta, Maine  
1989

---

**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**1989**

---

licensed game of chance unless licensed by the Chief of the State Police. A printer licensed under this section may act as ~~his own~~ a distributor without having to be licensed as a distributor providing neither ~~he~~ the printer nor anyone in his the printer's behalf acts as a salesman seller for ~~his~~ services connected with a game of chance outside of the confines of ~~his~~ the printer's premises described in ~~his~~ that printer's license. If ~~such~~ that printer or someone else acts as a salesman seller for ~~his~~ the printer's services in connection with a game of chance outside of the premises described in ~~his~~ that printer's license, either ~~such~~ that printer or any person or persons acting in ~~his~~ that printer's behalf must be licensed as a distributor.

The applicant for a printer's license, or if the applicant is a firm, corporation, association or other organization, its resident manager, superintendent or official representative shall file an application with the Chief of the State Police on forms furnished by ~~him~~ the Chief of the State Police. The Chief of the State Police shall furnish each applicant with a current copy of this chapter and the rules adopted under section 343. The Chief of the State Police shall furnish each licensee with a copy of any changes or additions to this chapter and the rules adopted under section 343.

See title page for effective date.

## CHAPTER 255

### S.P. 330 - L.D. 867

#### An Act to Facilitate the Disclosure of Information in Medical Support Recoupment and Child Support Cases

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

22 MRSA §3755-A is enacted to read:

#### §3755-A. Disclosure of information in medical support recoupment and child support cases

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Assets" means any interest in real or personal property.

B. "Dependent child" has the same meaning as in Title 19, section 493.

C. "Earnings" has the same meaning as in Title 19, section 493.

D. "Medicaid recipient" means an individual authorized by the department to receive services under the provisions of the United States Social Security Act, Title XIX and successors to it.

E. "Person" has the same meaning as in Title 19, section 493.

F. "Responsible parent" has the same meaning as in Title 19, section 493.

2. Request for information concerning responsible parents. Except as provided in subsection 5, the department may request of any person information relating to the following matters concerning a responsible parent or alleged responsible parent:

A. Complete name;

B. Social security number;

C. Date and place of birth;

D. Present and past employment status;

E. Earnings;

F. Current or last known address;

G. Assets;

H. Availability and description of present or previous health insurance coverage for a dependent child; and

I. Health insurance benefits paid or applied for under a policy of health insurance for a dependent child.

3. Request for information concerning present and former Medicaid recipients. The department may request of any person information relating to the following matters concerning a present or former Medicaid recipient:

A. Availability and description of health insurance coverage for a present or former Medicaid recipient; and

B. Health insurance benefits paid or applied for under a policy of health insurance for a present or former Medicaid recipient.

4. Demand for information. If a response to a request under subsection 2 or 3 is not received by the department within 2 weeks of its mailing by regular mail, the department may serve a demand upon the person to whom the request was directed for the information sought. The demand may be served by certified mail, return receipt requested, or by service in hand as specified in the Maine Rules of Civil Procedure, except that a demand may be served by any authorized representative of the commissioner.

5. Limitation. If an alleged responsible parent is a putative father of a child conceived and born out of wedlock, a request or demand shall be limited to information relating to the following matters concerning the alleged responsible parent:

- A. Complete name;
- B. Date and place of birth;
- C. Present and past employment status;
- D. Social security number; and
- E. Current or last known address.

**6. Immunity from liability.** Any person may disclose to the department any of the information described in subsection 2 or 3 that is sought in a request or demand by the department, to the extent it is not confidential or privileged, without incurring any liability to any other person because of the disclosure.

**7. Affirmation of responses.** The department may require that a response to a request or demand be affirmed under the penalties for unsworn falsification under Title 17-A, section 453.

**8. Facilitation of responses.** A request or demand shall contain or be accompanied by a business-reply or prepaid self-addressed envelope.

**9. Notice.** At the time that the department makes a request or demand, it shall notify the responsible parent or alleged responsible parent in the manner set forth in subsection 4.

**10. Penalty for failure to respond.** Knowing failure to respond to a demand for information within 10 days following the date of service of the demand is a civil violation for which a forfeiture not to exceed \$1,000 may be adjudged.

See title page for effective date.

---

## CHAPTER 256

H.P. 678 - L.D. 929

### An Act to Clarify the Payment of Medical Expenses under the Workers' Compensation Act

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

**Sec. 1. 39 MRSA §51-B, sub-§4**, as amended by PL 1987, c. 559, Pt. B, §17, and c. 560, §3, is repealed and the following enacted in its place:

**4. Compensation for impairment; compensation for medical expenses.** Compensation for impairment under section 56-B shall not be paid before the date on which the injured employee reaches the stage of maximum medical improvement. That compensation is due and payable within 90 days after the employer has notice that maximum medical improvement has been attained. Compensation for medical expenses, aids and other services under section 52 is due and payable within 75 days from the date that a request for payment of these expenses is received.

**Sec. 2. 39 MRSA §51-B, sub-§5**, as amended by PL 1983, c. 682, §3, is further amended to read:

**5. Memorandum of payment.** Upon making the first payment of compensation for incapacity ~~or for medical expenses~~ or upon making a payment of compensation for impairment, the employer shall immediately forward to the commission a memorandum of payment on forms prescribed by the commission. This information shall include, at a minimum, the following:

- A. The names of the employee, employer and insurance carrier;
- B. The date of the injury;
- C. The names of the employee's other employers, if any, or a statement that there is no multiple employment, if that is the case; and
- D. The initial weekly compensation rate.

~~When the compensation sought does not include payments for incapacity or impairment, the information described in paragraphs C and D need not be provided.~~

~~When payment is solely one for medical expenses and the employer has previously filed any memorandum of payment with respect to the claim, no subsequent memorandum of payment for medical expenses need be filed. Reporting of subsequent medical expenses paid shall be made to the commission in accordance with its rules.~~

**Sec. 3. 39 MRSA §51-B, sub-§7**, as amended by PL 1987, c. 559, Pt. B, §18, is further amended to read:

**7. Notice of controversy.** If the employer, prior to making payments under subsection 3, controverts the claim to compensation, ~~he the employer~~ shall file with the commission, within 14 days after an event which gives rise to an obligation to make payments under subsection 3, a notice of controversy in a form prescribed by the commission. If the employer, prior to making payments under subsection 4, controverts the claim to compensation, ~~he the employer~~ shall file with the commission, within 90 days after an event which gives rise to an obligation to make payments under subsection 4, a notice of controversy in a form prescribed by the commission. The notice shall indicate the name of the claimant, name of the employer, date of the alleged injury or death and the grounds upon which the claim to compensation is controverted. The employer shall promptly furnish the employee with a copy of the notice.

If, at the end of the 14-day period in subsection 3 or the 90-day ~~period~~ ~~or 75-day periods~~ in subsection 4, the employer has not filed the notice required by this subsection, ~~he the employer~~ shall begin payments as required under those subsections. In the case of compensation for incapacity under subsection 3, ~~he the employer~~ may cease payments and file with the commission a notice of controversy, only as provided in this subsection, no later than 44 days after an event which gives rise to an obligation to make payments under subsection 3. Failure to file the required notice of contro-