

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

parent, guardian or a person or agency having legal custody of a minor client. A counseling relation and the information resulting from it shall be kept confidential consistent with the professional obligations of the counselor or social worker.

See title page for effective date.

CHAPTER 397

S.P. 552 - L.D. 1555

An Act to Save Medicaid Funds by Expanding the Ability of the Department of Human Services to Recover Funds from Other Payors

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

Sec. 1. 18-A MRSA §3-805, sub-§(a), ¶(4), as enacted by PL 1979, c. 540, §1, is amended to read:

(4) Reasonable Medicaid benefits recoverable under Title 22, section 14, subsection 2-G and reasonable and necessary medical and hospital expenses of the last illness of the decedent, including compensation of persons attending him the decedent;

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

2-G. Claims against estates of certain Medicaid recipients. The Department of Human Services shall have a claim against the estate of a Medicaid recipient where, subsequent to the death of the recipient:

A. Property or other assets are discovered which existed and were owned by the recipient during the period when Medicaid benefits were paid to the recipient; and

B. Disclosure of that property or assets at the time benefits were being paid would have rendered the recipient ineligible to receive the benefits.

The amount of Medicaid benefits paid and recoverable under this section shall be a claim against the estate of the deceased recipient pursuant to the Probate Code, Title 18-A, Article III, Part 8.

See title page for effective date.

CHAPTER 398

H.P. 1073 - L.D. 1495

An Act to Continue Recodification of the Railroad Laws

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

Sec. 1. 23 MRSA c. 301, sub-c. V, as amended, is repealed.

Sec. 2. 23 MRSA c. 307, sub-c. III, as amended, is repealed.

Sec. 3. 23 MRSA §3454, as amended by PL 1971, c. 593, §22, is repealed.

Sec. 4. 23 MRSA §4207, as amended by PL 1987, c. 534, Pt. B, §§13 and 23, is repealed.

Sec. 5. 23 MRSA §4207-A, as enacted by PL 1979, c. 650, is repealed.

Sec. 6. 23 MRSA c. 410, sub-cc. II and III, as amended, are repealed.

Sec. 7. 23 MRSA c. 615, as enacted by PL 1987, c. 748; c. 792, §2; and c. 794, §1, is repealed and the following enacted in its place:

CHAPTER 615

STATE RAILROAD PRESERVATION ACT

SUBCHAPTER I

RAILROAD PRESERVATION, ASSISTANCE AND ACQUISITION

§7101. Short title

This subchapter shall be known and may be cited as the "State Railroad Preservation and Assistance Act."

§7102. Findings of fact

The Legislature makes a finding of fact that a viable and efficient rail transportation system is necessary to the economic well-being of the State.

The Legislature makes a further finding of fact that the State must take active steps to protect and promote rail transportation in order to further the general welfare.

§7103. Railroad Preservation and Assistance Fund

1. Fund created. There is created the "Railroad Preservation and Assistance Fund" which shall receive revenue derived from the tax levied pursuant to Title 36, chapter 361, except that no more than \$150,000 from this revenue shall be deposited in the fund in any fiscal year. The fund shall also be eligible to receive grants from other sources. The Treasurer of State shall receive and deposit all revenue to the fund in a separate account to be known as the Railroad Preservation and Assistance Fund.

2. Legislative approval of budget. Expenditures from the Railroad Preservation and Assistance Fund are subject to legislative approval in the same manner as appropriations from the General Fund.

3. Use of funds. Subject to the Civil Service Law, money in the fund may be expended to hire employees and to defray other costs authorized by law for the Department