

# 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 SPECIAL SESSION**

August 21, 1989 to August 22, 1989

and

**SECOND REGULAR SESSION**

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
July 14, 1990

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  
1990

---

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

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

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

**January 3, 1990 to April 14, 1990**

---

**1. Establishment.** The State Employee Health Commission is established to serve as trustees of the group ~~accident and sickness~~ or health insurance plan in this subchapter and to advise the director of the state employee health insurance program on health insurance issues and the Director of the Bureau of State Employee Health on issues concerning employee health and wellness, the State Employee Assistance Program and the use of the State Employee Health Internal Service Fund Account, section 956.

**Sec. 3. 5 MRSA §286**, as repealed and replaced by PL 1987, c. 731, §7, is amended by adding at the end 2 new paragraphs to read:

A reserve fund, administered by the director of the state employees health insurance program with approval of the Commissioner of Administration, is created to protect the program from unexpected losses and self-insured losses and related expenses incurred in the provision of health and dental benefits for the eligible participants. The fund is a continuing fund and may not lapse. The Treasurer of State shall invest the fund. All proceeds of these investments accrue to the fund.

The reserve fund is capitalized by money from premium payments and by legislative appropriation, payments from state departments and agencies and by such other means as the Legislature may approve. All money in the fund is deemed to be the commingled assets of all the covered employees and must be used only for the purposes of this section.

See title page for effective date.

---

## CHAPTER 777

H.P. 1521 - L.D. 2106

### An Act to Authorize the Department of Human Services to Impose Civil Penalties on Vendors Who Violate the Requirements of the Women, Infants and Children Special Supplemental Food Program

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

22 MRSA §3107 is enacted to read:

**§3107. Women, Infants and Children Special Supplemental Food Program vendor penalties**

The department may assess a penalty against a vendor under the Women, Infants and Children Special Supplemental Food Program of the federal Child Nutrition Act of 1966 who the department determines, after an opportunity for a hearing in accordance with Title 5, chapter 375, subchapter IV, has violated the rules of the department that apply to that program. The amount of the penalty may not exceed the amount that may be

assessed against a vendor under the food stamp program pursuant to 7 Code of Federal Regulations, Section 278.6(f) and (g).

See title page for effective date.

---

## CHAPTER 778

H.P. 1540 - L.D. 2125

### An Act to Clarify the Laws Regarding Recovery of Medicaid Payments from Liable Third Parties

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

**Sec. 1. 22 MRSA §14, sub-§1**, as amended by PL 1981, c. 698, §92, is repealed and the following enacted in its place:

**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 United States Social Security Act, Title XIX, for the medical costs of injury, disease, disability or similar occurrence for which a 3rd party is, or may be, liable, the commissioner shall have the right to recover from that party the reasonable value of the benefits provided. The Medicaid program is the payor of last resort and should provide medical coverage only when there are no other available resources. 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 party or, pursuant to this subsection, against the recipient, in the appropriate court, either in the name of the commissioner or in the name of the injured person, beneficiary, guardian, personal representative, estate or survivor.

If a recipient of medical assistance receives a settlement or award from a 3rd party, the settlement or award is subject to disbursement as provided in subsection 2-F.

The commissioner may compromise, or settle and execute a release of, any claim or waive any claim, in whole or in part, if the commissioner determines the collection will not be cost-effective.

In any case in which 3rd-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.

**Sec. 2. 22 MRSA §14, sub-§2-F**, as enacted by PL 1987, c. 621, is amended to read:

**2-F. Disbursement.** No A disbursement of any award, judgment or settlement may not be made to a recipient without the recipient or the recipient's attorney first providing at least 10 days' written notice to the department of the award, judgment or settlement or obtaining from the department a release of any obligation

owed to it for medical benefits provided to the recipient. If a dispute arises between the recipient and the commissioner as to the settlement of any claim that the commissioner may have under this section, the 3rd party or the recipient's attorney shall withhold from disbursement to the recipient an amount equal to the commissioner's claim. Either party may apply to the Superior Court or the District Court in which an action based upon the recipient's claim could have been commenced for an order to determine an equitable apportionment between the commissioner and the recipient of the amount withheld. An order of apportionment has the effect of a judgment.

**Sec. 3. 22 MRSA §14, sub-§3**, as enacted by PL 1979, c. 610, §2, is amended to read:

**3. Definitions.** For purposes of this section, "third 3rd party" means any entity including, but not limited to, an insurance carrier which may be liable under a contract to provide health, automobile, workers' compensation or other insurance coverage 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.

See title page for effective date.

## CHAPTER 779

H.P. 1542 - L.D. 2127

### An Act to Amend the Maine Human Rights Act with Regard to Housing Discrimination on the Basis of Handicap

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

5 MRSA §§4582-A and 4582-B are enacted to read:

#### §4582-A. Unlawful housing discrimination on the basis of handicap

It is unlawful housing discrimination, in violation of this Act:

**1. Modifications.** For any owner, lessee, sublessee, managing agent or other person having the right to sell, rent, lease or manage a housing accommodation, or any of their agents to refuse to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by that person if the modifications may be necessary to give that person full enjoyment of the premises, except that, with a rental, the landlord, when it is reasonable to do so, may condition permission for a modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted; or

**2. Accommodations.** For any owner, lessee, sublessee, managing agent or other person having the right to sell, rent, lease or manage a housing accommodation, or any of their agents to refuse to make reasonable accommodations in rules, policies, practices or services when those accommodations are necessary to give that person equal opportunity to use and enjoy the housing.

#### §4582-B. Standards and certification

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

**A.** "Builder" means the applicant for a building permit in a municipality that requires these permits or the owner of the property in a municipality that does not require building permits.

**B.** "Design professional" means an architect or professional engineer registered to practice under Title 32.

**C.** "Standards of construction" means the 1986 standards set forth by the American National Standards Institute in the publication "Specifications for Making Buildings and Facilities Accessible to and Usable by Physically Handicapped People," ANSI A 117.1-1986.

**D.** "Multifamily housing accommodation" means "covered multifamily dwelling" as defined in 42 United States Code, Section 3604.

**2. Applicability.** This section applies to multifamily housing accommodations constructed for first occupancy after March 13, 1991.

**3. Standards.** Facilities subject to this section must meet the following standards.

**A.** Doors designed to allow passage into and within all premises within those accommodations must be sufficiently wide to allow passage by a person in a wheelchair.

**B.** A route accessible to a person in a wheelchair into and through the dwelling unit must exist.

**C.** Light switches, electrical outlets, thermostats and other environmental controls must be in locations accessible to a person in a wheelchair.

**D.** Bathroom walls must have reinforcements to accommodate the installation of grab bars.

**E.** Kitchens and bathrooms must be accessible to and usable by a person in a wheelchair.

**4. Compliance with standards.** Compliance with the standards of construction satisfies the requirements of this section.