**§3412-A. Limits on priority of hospital liens**

**1. Lien reduction; just and equitable basis.**  A hospital lien must be reduced by the patient's proportionate share of the patient's litigation or other recovery costs, including, but not limited to, reasonable attorney's fees. A hospital lien must be satisfied not on the basis of a priority lien but on a just and equitable basis, which means that any factors that diminish the potential value of the patient's claim against which the lien is asserted must likewise reduce the share in the claim by the hospital for reimbursement for services provided. Such factors include, but are not limited to:

A. Questions of liability and comparative negligence or other legal defenses; [PL 2019, c. 270, §1 (NEW).]

B. Exigencies of trial that reduce a settlement or award in order to resolve the claim; and [PL 2019, c. 270, §1 (NEW).]

C. Limits on the amount of applicable insurance coverage that reduce the claim to an amount recoverable by the insured. [PL 2019, c. 270, §1 (NEW).]

[PL 2019, c. 270, §1 (NEW).]

**2. Dispute resolution.**  In the event of a dispute as to the application of this section or the amount available for payment to those claiming payment for services or reimbursement, that dispute must be determined, if the action is pending, before the court in which it is pending; or if no action is pending, by filing an action in any court for determination of the dispute.

[PL 2019, c. 270, §1 (NEW).]

SECTION HISTORY

PL 2019, c. 270, §1 (NEW).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Regular and First Special Session of the 131st Maine Legislature and is current through November 1, 2023
. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.