

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**  
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE  
AT THE

SECOND REGULAR SESSION

January 4, 1978 to April 6, 1978

FIRST SPECIAL SESSION

(No laws enacted)

September 6, 1978 to September 15, 1978

SECOND SPECIAL SESSION

October 18, 1978

THIRD SPECIAL SESSION

December 6, 1978

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

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**  
AS PASSED AT THE  
**SECOND REGULAR SESSION**  
of the  
ONE HUNDRED AND EIGHTH LEGISLATURE  
January 4, 1978 to April 6, 1978

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## CHAPTER 645

### **AN ACT to Provide for Specific Liability for Persons or Corporations Contributing to a Public Nuisance.**

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

17 MRSA § 2701-A is enacted to read:

#### **§ 2701-A. Action against insect infestation**

If the State Entomologist has reason to believe that an insect infestation, arising from other than normal agricultural or fishing activities, is a public nuisance and he is able to identify the source or sources of the infestation, he shall refer all this information to the Attorney General. The Attorney General may institute an action to abate the nuisance and the court may order the abatement with costs as provided under this chapter.

Effective July 6, 1978

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## CHAPTER 646

### **AN ACT to Allow Nursing Homes to Provide Physical and Occupational Therapy to Residents in Need of that Care.**

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, attaining adequate health care has been determined to be the major problem for Maine's older citizens; and

Whereas, many nursing home residents could be returned to their homes with appropriate rehabilitative care; and

Whereas, the Department of Human Services will not reimburse nursing homes for physical therapy and occupational therapy services provided in those facilities; and

Whereas, physical therapists and occupational therapists are refusing to provide essential services in nursing homes due to this reimbursement problem; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

22 MRSA § 3173-A is enacted to read:

**§ 3173-A. Reimbursement for therapy; intermediate care facilities and skilled nursing facilities**

When therapy is nonreimbursable under Title XVIII of the Social Security Act (Medicare), the Department of Human Services shall reimburse an intermediate care facility or skilled nursing facility directly for the costs of physical and occupational therapy to individual residents or for professional consultants, or both, to the staff of the facility in accordance with professional standards of practice.

Reimbursement shall be included either as an allowable cost of operation in determining the per diem rate or as a separate service for which the facility bills the Medical Assistance Program, whichever method is the less costly to that program while providing adequate and timely reimbursement to the therapist.

In developing regulations to administer this section, the Department of Human Services shall consult with the Maine Chapter of American Physical Therapists Association, the Maine Occupational Therapists Association and other groups as appropriate. The regulations shall be published within 60 days of the effective date of this section.

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

Effective March 16, 1978

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## CHAPTER 647

### AN ACT Relating to Trafficking and Importing of Marijuana.

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

Sec. 1. 17-A MRSA § 1101, sub-§ 17, ¶ D, as enacted by PL 1975, c. 499, § 1, is amended to read: