

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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Augusta, Maine
1979

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

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

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:

D. To possess with the intent to do any act mentioned in paragraph C, except that possession of **2 pounds or less of marijuana** with such intent shall be deemed furnishing.

Sec. 2. 17-A MRSA § 1103, sub-§ 2, ¶¶ A and B, as enacted by PL 1975, c. 499, § 1, are amended to read:

A. A Class B crime if the drug is a schedule W drug **or if it is marijuana in a quantity of 1,000 pounds or more;**

B. A Class C crime if the drug is a schedule X drug **or if it is marijuana in a quantity of more than 2 pounds; or**

Sec. 3. 17-A MRSA § 1103, sub-§ 3 is enacted to read:

3. A person shall be presumed to be unlawfully trafficking in scheduled drugs if he intentionally or knowingly possesses more than 2 pounds of marijuana.

Effective July 6, 1978

CHAPTER 648

AN ACT to Encourage Early Resolution of Discrimination Complaints and to Clarify the Subpoena Power of the Maine Human Rights Commission.

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

Sec. 1. 5 MRSA § 4566, sub-§§ 4-A and 4-B are enacted to read:

4-A. Subpoena power. Pursuant to a complaint which has been filed in accordance with section 4611 by a person who has been subject to unlawful discrimination, the commission may issue subpoenas; as provided in subsection 4-B, to compel access to or production of premises, records, documents and other evidence or possible sources of evidence or the appearance of persons, provided that there is reasonable cause to believe that those materials or the testimony of the persons are material to the complaint. The commission may not issue subpoenas except as provided in this subsection.

4-B. Subpoenas; approval; contest of validity. Subpoenas shall be issued only upon application to and approval of the Superior Court. The person upon whom the subpoena is served may contest its validity. A judicial review of the subpoenas shall be permissible in any Superior Court.