

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2010 to June 29, 2011**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 28, 2011**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2011**

and Economic Development by January 15, 2012. The joint standing committee is authorized to introduce a bill related to the report to the Second Regular Session of the 125th Legislature.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 10, 2011.

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## CHAPTER 293

### H.P. 887 - L.D. 1196

#### An Act To Clarify Assistance for Persons with Acquired Brain Injury

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

**Sec. 1. 22 MRSA §3086, sub-§1**, as repealed and replaced by PL 1989, c. 501, Pt. P, §26, is amended to read:

**1. Acquired brain injury.** "~~Head~~ Acquired brain injury" means an insult to the brain resulting directly or indirectly from trauma, anoxia, vascular lesions or infection, which:

- A. Is not of a degenerative or congenital nature;
- B. Can produce a diminished or altered state of consciousness resulting in impairment of cognitive abilities or physical functioning;
- C. Can result in the disturbance of behavioral or emotional functioning;
- D. Can be either temporary or permanent; and
- E. Can cause partial or total functional disability or psychosocial maladjustment.

**Sec. 2. 22 MRSA §3087**, as amended by PL 1991, c. 155, is repealed.

**Sec. 3. 22 MRSA §3088**, as enacted by PL 1987, c. 494, is repealed and the following enacted in its place:

**§3088. Comprehensive neurorehabilitation service system**

The department shall, within the limits of its available resources, develop a comprehensive neurorehabilitation service system designed to assist, educate and rehabilitate the person with an acquired brain injury to attain and sustain the highest function and self-sufficiency possible using home-based and community-based treatments, services and resources to the greatest possible degree. The comprehensive neurorehabilitation service system must include, but is not limited to, care management and coordination, crisis

stabilization services, physical therapy, occupational therapy, speech therapy, neuropsychology, neurocognitive retraining, positive neurobehavioral supports and teaching, social skills retraining, counseling, vocational rehabilitation and independent living skills and supports. The comprehensive neurorehabilitation service system may include a posthospital system of nursing, community residential facilities and community residential support programs designed to meet the needs of persons who have sustained an acquired brain injury and assist in the reintegration of those persons into their communities.

**Sec. 4. 22 MRSA §3089**, as enacted by PL 2005, c. 229, §1, is amended to read:

**§3089. Acquired brain injury assessments and interventions; protection of rights**

The department is designated as the official state agency responsible for acquired brain injury services and programs.

**1. Assessments and interventions.** In addition to developing the comprehensive neurorehabilitation service system under section 3088, the department may undertake, within the limits of available resources, appropriate identification and medical and rehabilitative interventions for persons who sustain acquired brain injuries, including, but not limited to, establishing services:

A. To assess the needs of persons who sustain acquired brain injuries and to facilitate effective and efficient medical care, neurorehabilitation planning and reintegration; and

B. To improve the knowledge and skills of the medical community, including, but not limited to, emergency room physicians, psychiatrists, neurologists, neurosurgeons, neuropsychologists and other professionals who diagnose, evaluate and treat acquired brain injuries.

**2. Rights of patients and responsibility of department to protect those rights.** To the extent possible within the limits of available resources and except to the extent that a patient with an acquired brain injury's rights have been suspended as the result of court-ordered guardianship, the department shall:

A. Protect the health and safety of that patient;

B. Ensure that the patient has access to treatment, individualized planning and services and positive behavioral interventions and protections; and

C. Protect the patient's rights to appeal decisions regarding the person's treatment, access to advocacy services and service quality control standards, monitoring and reporting.

**3. Rules.** The department shall establish rules under this section. Rules adopted pursuant to this sec-

tion are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 5. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 22, chapter 715-A, in the chapter headnote, the words "assistance for survivors of head injury" are amended to read "assistance for survivors of acquired brain injury" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

**CHAPTER 294**  
**H.P. 902 - L.D. 1211**

**An Act To Include Civics in the  
Social Studies and History  
Courses Required for a High  
School Diploma**

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

**Sec. 1. 20-A MRSA §4722, sub-§2, ¶B,** as enacted by PL 1983, c. 859, Pt. C, §§5 and 7, is amended to read:

B. Social studies and history, including American history ~~and~~ government and civics--2 years;

See title page for effective date.

**CHAPTER 295**  
**S.P. 273 - L.D. 869**

**An Act To Clarify the State's  
Authority under Public Health  
Laws for Municipal  
Inspections of Establishments**

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

**Sec. 1. 22 MRSA §2499, first ¶,** as enacted by PL 1975, c. 496, §3, is amended to read:

Notwithstanding any other provisions of this chapter, ~~the~~ in order to ensure statewide uniformity in health standards, health inspector certification and the maintenance of inspection report records, a municipality must have been delegated authority by the department to conduct inspections and demonstrated adherence to requirements under this section prior to performing any municipal inspections under such authority. A municipality that has not been delegated authority is prohibited from licensing or inspecting establishments. The department may issue a license to establishments an establishment as defined in section

2491 on the basis of an inspection performed by ~~an~~ a health inspector who works for and is compensated by the municipality in which such an establishment is located, but only if the following conditions have been met.

**Sec. 2. 22 MRSA §2499, sub-§1,** as enacted by PL 1975, c. 496, §3, is amended to read:

**1. Adopted rules; code of standards.** The municipality involved has adopted ~~a set of rules and regulations,~~ ordinances or ~~other~~ a code of standards for ~~such~~ the establishments ~~which that~~ which that has been approved by the department and ~~which that~~ which that is consistent with the ~~regulations~~ rules used by the department for the issuance of ~~such~~ licenses in effect at the time of inspection.

See title page for effective date.

**CHAPTER 296**  
**H.P. 544 - L.D. 713**

**An Act To Amend the  
Definition of "Automobile" for  
Purposes of the Sales and Use  
Tax Law**

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

**Sec. 1. 36 MRSA §1752, sub-§1-B,** as amended by PL 2007, c. 627, §37, is further amended to read:

**1-B. Automobile.** "Automobile" means a self-propelled 4-wheel motor vehicle designed primarily to carry passengers and not designed to run on tracks. "Automobile" includes a pickup truck or van with a registered gross vehicle weight of ~~6,000~~ 10,000 pounds or less.

See title page for effective date.

**CHAPTER 297**  
**S.P. 455 - L.D. 1464**

**An Act To Establish Standards  
for Portable Electronic Device  
Insurance**

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

**Sec. 1. 24-A MRSA §601, sub-§29** is enacted to read:

**29. Portable electronic device insurance vendor.** Portable electronic device insurance vendor licensing fees may not exceed: