

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**September 27, 2011**

**SECOND REGULAR SESSION**  
**January 4, 2012 to May 31, 2012**

**THE EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**LAWS IS**  
**SEPTEMBER 28, 2011**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 30, 2012**

**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**  
**2012**

individual or household or an error by the department. ~~"Overpayment" includes any overpayment made before or after the effective date of this subsection does not include an overpayment for medical services by the department pursuant to chapter 855 or municipal general assistance pursuant to chapter 1161, if the overpayment occurred due to an unintentional error by the individual or household or an error by the department or by the municipality in the case of municipal general assistance under chapter 1161.~~

**Sec. 12. 22 MRSA §3811, sub-§4,** as amended by PL 1997, c. 683, Pt. C, §9 and affected by §10, is further amended to read:

**4. Program benefits.** "Program benefits" means money payments or food coupons issued by the department pursuant to an application for benefits made by an individual to Aid to Families with Dependent Children established in former chapter 1053, the food stamp program established in chapter 851 or the Temporary Assistance to Needy Families program established in chapter ~~1053-A~~ 1053-B, or money payments or vouchers issued by a municipal general assistance program established pursuant to chapter 1161, or payments for medical services issued by the department pursuant to the MaineCare program established pursuant to chapter 855.

**Sec. 13. Emergency rules.** Notwithstanding the Maine Revised Statutes, Title 5, section 8054, the department may adopt emergency rules to implement Title 22, section 1714-D without the necessity of demonstrating that immediate adoption is necessary to avoid a threat to public health or safety or the general welfare, if notice is given through a MaineCare provider list and 5 days or more are allowed for comment prior to adoption of the rules.

**Sec. 14. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF (FORMERLY DHS)**

**Office for Family Independence Z020**

Initiative: Effective January 1, 2013, establishes and provides funding for 8 Fraud Investigator positions and 2 Office Associate positions and related All Other costs funded 50% from the General Fund and 50% from Other Special Revenue Funds in the Office for Family Independence program.

GENERAL FUND	2011-12	2012-13
Personal Services	\$0	\$156,506
All Other	\$0	\$9,822
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$166,328</b>

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
POSITIONS - LEGISLATIVE COUNT	0.000	10.000
Personal Services	\$0	\$156,506
All Other	\$0	\$14,419
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$170,925</b>

See title page for effective date.

**CHAPTER 688**

**S.P. 654 - L.D. 1873**

**An Act To Direct the  
Commissioner of Education To  
Adopt a Model Policy  
Regarding Management of  
Head Injuries in School  
Activities and Athletics**

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

**Whereas,** students who participate in certain school activities and athletics are at risk of suffering concussive and other head injuries; and

**Whereas,** immediate enactment of this legislation will facilitate adoption of a model policy on the management of concussive and other head injuries that will benefit the health and safety of Maine's students; 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:**

**Sec. 1. 20-A MRSA §254, sub-§17** is enacted to read:

**17. Model policy for management of concussive and other head injuries.** In consultation with organizations representing school principals, school boards, school superintendents, athletic directors, athletic trainers, sports medicine practitioners, the Acquired Brain Injury Advisory Council established in Title 34-B, section 19001 and other interested parties, the commissioner shall develop a model policy on the management of concussive and other head injuries in school activities and athletics.

**Sec. 2. 20-A MRSA §1001, sub-§19** is enacted to read:

**19. Adoption of policy to manage concussive and other head injuries.** Beginning January 1, 2013, the school board of each public school and the governing body of each private school enrolling more than 60% of its students at public expense in this State shall adopt and implement a policy on the management of concussive and other head injuries in school activities and athletics that is consistent with the model policy developed by the commissioner in accordance with section 254, subsection 17.

**Sec. 3. Working group.** The Commissioner of Education shall convene a working group to meet during the spring and summer of 2012, and periodically thereafter, to advise the commissioner on the prevention, diagnosis and treatment of concussive and other head injuries in students and student athletes. The commissioner shall invite representatives from the Maine Principals' Association, the Maine School Superintendents Association, the Maine School Boards Association, the Maine School Management Association, the Acquired Brain Injury Advisory Council, the Maine Athletic Directors Association, the Maine Athletic Trainers Association, the Maine Concussion Management Initiative, sports medicine practitioners and medical providers to participate in the working group.

**Sec. 4. Model policy.** The working group under section 3 shall advise the Commissioner of Education on the provisions to be included in the model policy under the Maine Revised Statutes, Title 20-A, section 254, subsection 17 for the management of concussive and other head injuries in school activities and athletics and on the procedures to update the policy as medical knowledge of head injuries progresses. The model policy proposed by the commissioner must include, but is not limited to, the following provisions:

**1. Training.** A requirement that athletic directors, coaches and other school personnel involved with school activities and athletics must be trained in the identification and management of concussive and other head injuries;

**2. Student and parental acknowledgment.** A requirement that prior to each school year each student participating in a school athletic activity and the stu-

dent's parent or legal guardian must review the school's policy for the management of concussive and other head injuries and sign a statement acknowledging that review;

**3. Protocols and forms.** A requirement that the Department of Education must create protocols and forms that must be used by schools in the implementation of the policy on the management of concussive and other head injuries;

**4. Immediate removal and evaluation.** A requirement that a student suspected of having sustained a concussive or other head injury in any school activity or athletic practice or game must be removed from the activity, practice or game immediately and evaluated for brain injury prior to returning to the activity or practices and games; and

**5. Medical clearance.** A requirement that a student suspected of having sustained a concussion after an evaluation under subsection 4 must be banned from the school activity or athletic practices and games until the student has received written medical clearance from a licensed health care provider trained in concussion management for the student to begin the gradual resumption of participation in the activity or practices and games based on the current standards of care.

**Sec. 5. Implementation of model policy; phase-in.** In accordance with the provisions of section 4 and by September 1, 2012, the Commissioner of Education shall develop a model policy for the management of concussive and other head injuries as set forth in the Maine Revised Statutes, Title 20-A, section 254, subsection 17 for full implementation by school administrative units and private schools enrolling more than 60% of their students at public expense in this State no later than the 2013-2014 school year. Notwithstanding Title 20-A, section 1001, subsection 19, the implementation of the model policy must be phased in according to the following timeline.

**1. Local adoption by January 1, 2013.** The school board of each school administrative unit and the governing body of each private school enrolling more than 60% of its students at public expense in this State shall adopt and begin implementation of a policy on the management of concussive and other head injuries as set forth in Title 20-A, section 1001, subsection 19 no later than January 1, 2013.

**2. Phased-in implementation.** The school board of each school administrative unit and the governing body of each private school enrolling more than 60% of its students at public expense in this State shall gradually implement their policies, including the requirements included in the model policy developed by the commissioner, during the 2012-2013 and 2013-2014 school years and in accordance with the regular sequence of school activities and athletic seasons over

that period of time so that the policies are fully implemented by the end of the 2013-2014 school year.

The commissioner shall report to the joint standing committee of the Legislature having jurisdiction over education matters by January 15, 2014 on the status of the implementation of the policies.

**Sec. 6. Sharing information.** The Commissioner of Education, school administrative units and private schools enrolling more than 60% of their students at public expense in this State may share with statewide and local organizations that sponsor sports and athletics the model policy, information, training, protocols and forms developed under section 4 regarding the management of concussive and other head injuries in school activities and athletics.

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

Effective May 21, 2012.

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## CHAPTER 689

### S.P. 678 - L.D. 1904

#### An Act To Create the Leased Space Reserve Fund and To Amend the Law Regarding the Issuance of Securities under the Maine Governmental Facilities Authority and To Provide for the Transfer of Certain Land

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

**Sec. 1. 5 MRS A §1516-B** is enacted to read:

**§1516-B. Leased Space Reserve Fund**

**1. Leased Space Reserve Fund.** There is created the Leased Space Reserve Fund, referred to in this section as "the fund," which may be used for costs related to relocation from leased space to state-owned facilities or relocation from a leased space to a lower-priced leased space and capital projects that construct, renovate or improve state facilities. Money in the fund may not be expended on facility maintenance issues.

**2. Nonlapsing fund.** Any unexpended money appropriated or allocated to the fund may not lapse, but must be carried forward.

**3. Funding of fund.** The Department of Administrative and Financial Services, Bureau of General Services shall notify the State Controller and the State Budget Officer of a relocation of a state agency from leased space to a state-owned facility or a relocation of a state agency from leased space to a lower-priced

leased space. Any balance, net of the value of the state cost allocation program as determined by the State Controller, remaining in General Fund or Other Special Revenue Funds money appropriated or allocated for leased space and all facility-related expenses for that agency during the biennium of the relocation as a result of savings resulting from the relocation must be transferred as provided in this subsection.

A. The State Budget Officer shall transfer 50% of any General Fund or Other Special Revenue Funds money through financial order to the fund. This transfer is considered to be an adjustment to the appropriation or allocation.

B. The remaining balance must be transferred to the General Fund as unappropriated surplus.

**Sec. 2. PL 2007, c. 240, Pt. Q, §1**, as amended by PL 2009, c. 213, Pt. XXXX, §1, is further amended to read:

**Sec. Q-1. Maine Governmental Facilities Authority; issuance of securities.** Pursuant to the Maine Revised Statutes, Title 4, section 1606, the Maine Governmental Facilities Authority is authorized to issue securities in its own name in an amount up to \$11,000,000 in fiscal year 2007-08 and \$6,000,000 in fiscal year 2008-09 or 2009-10 for the purpose of paying the cost, including preliminary planning costs, including but not limited to needs assessments and space planning, master planning, capital asset assessments, concept design, design development and final design including construction drawings, associated with capital repairs and improvements to state-owned facilities throughout the State and for the purchase or acquisition of facilities throughout the State as designated by the Commissioner of Administrative and Financial Services. The authority may also issue additional securities in its own name in an amount up to \$750,000 in fiscal year 2007-08 for preconstruction costs and capital improvements for a Department of Corrections project at the Bangor campus and for other capital improvements at the correctional facilities within the Department of Corrections any part or all of which may be advanced by the Department of Administrative and Financial Services, Bureau of General Services with reimbursement upon issuance of the additional securities.

**Sec. 3. Resolve 2011, c. 70, Pt. A, §2, sub-§2** is amended to read:

2. A parcel of land in Sinclair occupied by the Patrick Theriault School ~~consisting of approximately 73 acres conveyed to the Town of Sinclair School District and State by deed recorded in the Northern Aroostook County Registry of Deeds, Book 939 246, Page 228 386;~~ and be it further

**Sec. 4. Authority to purchase real property; funding; repeal.** Notwithstanding any other provision of law, the State, by and through the Com-