

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 299

S. P. 127

In Senate, January 20, 1981

Submitted by the Department of Mental Health and Corrections pursuant to Joint Rule 24.

Referred to the Committee on Health and Institutional Services. Sent down for concurrence and ordered printed.

MAY M. ROSS, Secretary of the Senate

Presented by Senator Bustin of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Assure Residential Services for Developmentally Disabled Persons.

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

Sec. 1. 22 MRSA § 7904, sub-§ 3, as amended by PL 1975, c. 770, § 94, is repealed.

Sec. 2. 22 MRSA § 7904, sub-§ 4 is enacted to read:

4. Requirements for facilities with mentally retarded residents. Notwithstanding any provision referred to under Title 25, section 2452, the department shall permit any boarding care facility which is maintained for mentally retarded persons or persons with related conditions, to comply with portions of the Life Safety Code which has been adopted by the State Fire Marshal, other than the institutional occupancy section, according to the following standards:

A. Facilities serving 6 or less persons and certified by the Bureau of Mental Retardation as being able to provide services to residents considered mobile nonambulatory shall comply with the lodging or rooming house section of the Life Safety Code except for provision 11.5.2.1.1 of that section;

B. Facilities serving 7 or 8 persons and certified by the Bureau of Mental Retardation as being able to provide services to residents considered mobile

nonambulatory shall comply with the lodging or rooming house section of the Life Safety Code except for provision 11.5.2.1.1 of that section and shall provide the following:

(1) Any building of 2 or more stories shall be equipped with an approved automatic sprinkler system, unless the building is of fire resistive or protected noncombustible construction as defined in the current edition of the National Fire Protection Association's Standard Types of Building Construction; and

(2) Automatic emergency lights shall be provided in such number and location as required by the State Fire Marshal;

C. Facilities serving only persons considered ambulatory will continue to operate according to currently enforced provisions; and

D. The residents of the facility shall be certified annually by a physician or psychologist as being either ambulatory or mobile nonambulatory and capable of following directions and taking appropriate action for self-preservation under emergency conditions. All mobile nonambulatory residents shall be housed, i.e., sleep, on the first floor of the facility with direct egress to a common corridor leading directly to the exterior of the facility and that the facility be ramped to grade. For purposes of this paragraph, a physician is any person who is licensed in this State to practice medicine or osteopathy and who has had specialized training or at least one year of experience in treating mentally retarded persons; and a psychologist is any person who is licensed in this State as a psychologist or psychological examiner and who has had specialized training or at least one year of experience in providing services to mentally retarded persons. No physician or psychologist who certifies a resident pursuant to this paragraph may be in the regular employ of or may have a financial interest in the boarding care facility in which the resident lives.

STATEMENT OF FACT

This bill is intended to allow mobile nonambulatory persons certified as being capable to follow directions and take appropriate action for self-preservation the option of residing in small, normalized boarding care facilities without requiring these facilities to meet requirements of the institutional occupancy section of the Life Safety Code. The requirements are both cost prohibitive and in conflict with the philosophy of normalization. The required annual certification would continue to serve to protect the life safety of residents.

The National Bureau of Standards, Center for Fire Research, has developed a fire safety evaluation system for group residences for the developmentally disabled. It is anticipated that the system will be under federal regulation within a year's time. It is recommended that to further insure the life safety of the described residents, this evaluation system be adopted by the State Fire Marshal's office as a measure for further determining resident eligibility.