

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

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

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Kennebec Journal  
Augusta, Maine  
1979

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laundries, retail establishment where frozen dairy products are manufactured on the premises, sporting or overnight camp, mercantile establishment or in outdoor occupations on the grounds of a hotel, and no child between the ages of 14 and 16 years shall be so employed when the distance between the work place and the home of the child, or any other factor, necessitates the child's remaining away from home overnight.

**Sec. 3. 26 MRSA § 774, 4th paragraph**, as amended by PL 1975, c. 59, § 3, is further amended to read:

Work performed in agriculture **the planting, cultivating or harvesting of field crops or other agricultural employment not in direct contact with hazardous machinery or hazardous substances**, or any occupation that does not offer continuous, year-round employment shall be exempt from this section, provided a minor under 16 years of age has been excused by the local superintendent of schools in accordance with the policy established by the Commissioner of Educational and Cultural Services and the Director of the Bureau of Labor.

**Sec. 4. 26 MRSA § 775, 2nd paragraph** is amended to read:

This section shall not apply to minors engaged in work performed in agriculture **the planting, cultivating or harvesting of field crops or other agricultural employment not in direct contact with hazardous machinery or hazardous substances**, household work or any occupation that does not offer continuous, year-round employment.

Effective September 14, 1979

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## CHAPTER 469

S. P. 466 — L. D. 1528

### AN ACT to Extend Rights of Patients in Institutions to Patients in Residential Care Facilities.

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

**Sec. 1. 34 MRSA § 7, first ¶**, as reenacted by PL 1975, c. 770, § 197, is amended to read:

The central principle underlying all rules, regulations, procedures and practices relating to residents of the several institutions within the department and, hospitals as defined by section 2251, subsection 3, **and residential care facilities as defined by section 2251, subsection 9**, shall be that such persons shall retain all

rights of an ordinary citizen, except those expressly or by necessary implication taken from them by law.

Sec. 2. 34 MRSA § 2251, sub-§ 6, is amended to read:

6. **Patient.** "Patient" means an individual under observation, care or treatment in a hospital or **residential care facility** pursuant to this chapter.

Sec. 3. 34 MRSA § 2251, sub-§9 is enacted to read:

9. **Residential care facility.** "**Residential care facility**" means a licensed or approved boarding care, nursing care or foster care facility which supplies supportive residential care to individuals due to their mental illness.

Sec. 4. 34 MRSA § 2254, sub-§3, as enacted by PL 1965, c. 7, is amended to read:

3. **General rights.** Except to the extent that the head of the hospital or **residential care facility** determines that it is necessary for the medical welfare of the patient to impose restrictions, and unless a patient has been adjudicated incompetent and has not been restored to legal capacity and except where specifically restricted by other statute or regulation, but not solely because of the fact of admission to a mental hospital or **residential care facility for the mentally ill**, to exercise all civil rights, including, but not limited to, civil service status, the right to vote, rights relating to the granting, renewal, forfeiture or denial of a license, permit, privilege or benefit pursuant to any law, and the right to enter contractual relationships and to manage his property.

A. Any limitations imposed by the head of the hospital or **residential care facility** on the exercise of these rights by the patient and the reasons for such limitations shall be made a part of the clinical record of the patient.

Sec. 5. 34 MRSA § 2258 is amended to read:

#### § 2258. **Additional powers of the department**

In addition to the specific authority granted by other provisions of this chapter, the department shall have authority to prescribe the form of applications, records, reports and medical certificates provided for under this chapter and the information required to be contained therein; to require reports from the head of any hospital or **residential care facility** relating to the admission, examination, diagnosis, release or discharge of any patient; to visit each hospital or **residential care facility** regularly to review the commitment procedures of all new patients admitted between visits; to investigate by personal visit complaints made by any patient or by any person on behalf of a patient; and to adopt such rules and regulations not inconsistent with this chapter as it may find to be reasonably necessary for proper and efficient hospitalization of the mentally ill.