

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
107TH LEGISLATURE

COMMITTEE AMENDMENT "A" to S.P. 81, L.D.254, Bill,
"AN ACT to Require the Owners of Foster Homes and of Nursing
Institutions to Account for Funds Belonging to Persons
Entrusted to their Care."

Amend said Bill by striking out all of the Title and
inserting in place thereof the following: 'AN ACT to Require
Owners of Boarding Homes, Nursing Institutions and Certain
Other Living Accomodations to Account for Funds of Persons
Under Their Care.'

Further amend said Bill by striking out everything after
the enacting clause and before the Statement of Fact and
inserting in place thereof the following:

'Sec. 1. 22 MRSA §5-B is enacted to read:

§ 5-B. Owners of certain facilities licensed or approved by
the department required to account for funds of persons
under their care

The owner or operator of any facility licensed by the
department under sections 5 and 5-A or of any adult foster home
approved by the department where the owner, operator or any agent
of the owner or operator handles or holds funds which belong to
any person residing in such facility or adult foster home shall
account every 3 months to the commissioner for the custody of
these funds. The terms "owner" and "operator," as used in this
section, include persons, partnerships, associations, corporations
and all bodies of government.

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The commissioner shall oversee these quarterly accountings in order to prevent misuse and misappropriation by owners or operators, or by the agents of either, of any funds belonging to persons residing in these facilities or adult foster homes. After appropriate notice and public hearing, and a public review period of 30 days following the public hearing, the commissioner shall determine and promulgate rules and regulations specifying the method of accounting and the information required for that accounting. Whoever fails to account every 3 months to the commissioner shall be subject to a fine of not more than \$500 or to imprisonment for not more than 60 days.

Sec. 2. 22 MRSA §1824 is enacted to read:

§ 1824. Owners of nursing institutions required to account for funds of persons entrusted to their care

The owner or operator of any institution for the nursing care of human beings, licensed under chapter 405, with the exception of inpatient hospitals providing acute care, where the owner, operator or agent of the owner or operator handles or holds funds belonging to any person residing in the nursing institution shall account every 3 months to the commissioner for the custody of these funds. The terms "owner" and "operator," as used in this section, include persons, partnerships, associations, corporations and all bodies of government.

The commissioner shall oversee these quarterly accountings in order to prevent misuse and misappropriation by the owners or operators, or by the agents of either, of any funds belonging to persons residing in these nursing institutions. After appropriate

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notice and public hearing, and a public review period of 30 days following the hearing, the commissioner shall determine and promulgate rules and regulations specifying the method of accounting and the information required for that accounting. Whoever fails to account every 3 months to the commissioner shall be subject to the penalties specified under section 1821.'

Statement of Fact

The purpose of this amendment is to prevent owners of boarding homes, nursing institutions and other living accommodations or agents of these owners from mishandling the funds of clients entrusted to their care, by requiring the owners to account quarterly for these funds.

Reported by the Committee on Health and Institutional Services.

Reproduced and distributed pursuant to Senate Rule 11-A.

May 16, 1975. (Filing No. S-159)