

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
107TH LEGISLATURE

(Filing No. H-482)

COMMITTEE AMENDMENT<sup>A</sup> to H.P. 1129, L.D. 1405, Bill, "AN ACT to Institute a Fee System for Hospital, Nursing Home and Boarding Home Licenses to Fund Costs of Licensing."

Amend said Bill by inserting before the enacting clause the following:

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

Whereas, existing boarding homes having more than 6 boarders or lodgers have often been subjected to unnecessary financial strain as they have attempted to comply with certain standards for protected wood frame construction; and

Whereas, these standards of safety are unnecessarily stringent for certain types of existing boarding homes; and

Whereas, the inability of such boarding homes to comply with these stringent standards threatens to cause these boarding homes to close; and

Whereas, the demand for beds in boarding homes is great; and

Whereas, legislation is immediately necessary in order that no boarding home shall have to close unnecessarily thereby creating a shortage of boarding home beds; 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,

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

'Sec. 1. 22 MRSA §5, 3rd sentence, is repealed and the following enacted in place thereof:

The fee for such license for boarding homes having a capacity of 6 or less boarders shall be \$25, and for boarding homes having a capacity of more than 6 boarders the fee shall be \$50.

Sec. 2. 22 MRSA §1815, first sentence, as amended by PL 1967, c. 231, §4, is repealed and the following enacted in place thereof:

Each application for a license to operate a hospital, convalescent home or nursing home shall be accompanied by a fee of \$50 for facilities less than 50 beds in size, a fee of \$100 for facilities 51 to 100 beds in size, and a fee of \$200 for facilities larger than 100 beds in size.

Sec. 3. 25 MRSA §2452, 1st ¶, as last amended by PL 1973, c. 660, is further amended by adding a new paragraph to read:

Existing boarding homes licensed by the Bureau of Hospital Services, Department of Health and Welfare, having more than 6 boarders or lodgers, shall comply with any rules and regulations for existing residential-custodial facilities required by the State Fire Marshal's Office, except that these facilities shall not be required to comply with the standards for protected wood frame construction as described in the National Fire Protection Association, 220-61, Standard Type of Building Construction.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.'

Statement of Fact

The purpose of this amendment is to add a new section 3, as well as an emergency preamble and an emergency clause to LD 1405 in order to ease the burden on certain existing boarding homes which find it financially difficult to comply with certain unnecessarily stringent fire protection standards. Section 3 will enable such boarding homes to continue to operate.

Another purpose of this amendment reflects partial implementation of recommendation number 26 for the Department of Health and Welfare of the Maine Management and Cost Survey Commission. Passage of this bill, as amended, will generate revenue as follows:

Hospitals

Less than 50 beds	24 x 50	=	\$1,200
51 - 100	19 x 100	=	1,900
100 +	13 x 200	=	2,600
			<u>\$5,700</u>

Nursing Homes

Less than 50 beds	88 x 50	=	\$4,400
51 - 100	46 x 100	=	4,600
100 +	16 x 200	=	3,200
			<u>\$12,200</u>

Boarding Homes

6 or less beds	224 x 25	=	\$5,600
More than 6	71 x 50	=	3,550
			<u>\$9,150</u>

The amendment removes section 2 of the original bill, which states that all fees received by the Department of Health and Welfare under chapter I of Title 22 must be paid into the State Treasury and credited to the department for carrying out the purposes of this chapter.