

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
108TH LEGISLATURE  
FIRST REGULAR SESSION

(Filing No. H-697)

COMMITTEE AMENDMENT "A" to H.P. 1453, L.D. 1693, Bill,  
"AN ACT to Establish Long-term Foster Care."

Amend the Bill by inserting after section 2 the following:

'Sec. 3. 22 MRSA §3-B is enacted to read:

§ 3-B. Emergency medical care

Any children's home licensed under chapter 1663

\* -is authorized to consent to emergency medical treatment  
for any state ward in residence in the home if payment for this  
treatment is available under Title 19 of the Social Security  
Act. Within 24 hours following any emergency treatment, the  
children's home shall notify the department of the nature of  
the emergency situation, the emergency treatment which has  
been given and the need, if any, for further treatment.'

Further amend the bill in section 3 in that part designated  
"§3903" in subsection 5 by inserting after the first sentence  
the following:

'Any foster child 14 years of age or older may participate in  
the development of the written agreement.'

Further amend the bill in section 3 in that part designated  
"§3904" by striking out all of subsection 1 and by renumbering  
subsections 2 to 4 to be 1 to 3.

Further amend the bill in section 3 in that part designated "§3906" by inserting at the end the following:

'Prior to the promulgation of any rules and regulations, the department shall hold a public hearing of which at least 7-days' notice has been given in the appropriate newspapers throughout the State. Any rules or regulations shall be effective only after a 60-day public review period following the public hearing. They may be amended or repealed at any time by the department after like notice, hearing and publication of the portions amended or repealed.'

Notwithstanding the foregoing paragraph, whenever the department reasonably determines that the public safety, health or welfare is threatened, emergency regulations may be issued and published which shall be effective immediately without a hearing or prior publications, provided that thereafter a public hearing is held as provided in this section. Such emergency regulations shall be effective for not more than 90 days after issuance.'

Further amend the bill by renumbering sections 3 and 4 to be 4 and 5.

#### Statement of Fact

The purposes of this amendment are to:

1. Delete 'consent to marriage' as a right of a foster parent;

2. Provide that licensed children's homes shall have the right to consent to emergency medical care for any state wards residing in such homes;

3. Provide that any foster child who is 14 years of age or older may participate in the development of the written agreement; and

4. Establish notice and hearing requirements as part of the rule-making procedure under this chapter.

Reported by the Committee on Health and Institutional Services.

Reproduced and distributed under the direction of the Clerk of the House.

6/20/77

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