

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 2230

7 S.P. 885

In Senate, March 18, 1986

8 Submitted by the Department of Human Services pursuant to Joint Rule
9 24.

10 Referred to the Committee on Human Resources and ordered printed.
Sent down for concurrence.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Gauvreau of Androscoggin.

Cosponsored by Representative Carroll of Gray.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-SIX
16

17 AN ACT to Authorize Temporary Licenses to
18 Operate Family Foster Homes.
19

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

22 Sec. 1. 22 MRSA §7802, sub-§1, ¶D is enacted to
23 read:

24 D. A temporary license to operate a family fos-
25 ter home may be issued on a one-time basis when a
26 preliminary evaluation of the home by the depart-
27 ment has determined that the applicants are capa-
28 ble of providing foster care, in accordance with
29 applicable laws and rules relating to minimum
30 standards of health, safety and well-being, ex-
31 cept that it is not possible to obtain a fire
32 safety inspection in accordance with section 8103
33 prior to licensure and there are no obvious fire
34 safety violations and, in the judgment of the
35 commissioner, the best interest of the public
36 will be so served by issuing a temporary license.

1 Sec. 2. 22 MRSA §7802, sub-§2, ¶C-1 is enacted
2 to read:

3 C-1. The term of a temporary family foster home
4 license shall be for a specific period not to ex-
5 ceed 120 days.

6 Sec. 3. 22 MRSA §7802, sub-§3, ¶B, as enacted by
7 PL 1983, c. 386, §2, is amended to read:

8 B. If, at the expiration of a full or provision-
9 al license or approval, at the expiration of a
10 temporary family foster home license or during
11 the term of a full license or approval, the fa-
12 cility fails to comply with applicable law and
13 rules and, in the judgment of the commissioner,
14 the best interest of the public would be served,
15 the department may issue a conditional license or
16 approval, or change a full license or approval to
17 a conditional license or approval. Failure by
18 the conditional licensee to meet the conditions
19 specified by the department shall permit the de-
20 partment to void the conditional license or ap-
21 proval or refuse to issue a full license or ap-
22 proval. The conditional license or approval
23 shall be void when the department has delivered
24 in hand or by certified mail a written notice to
25 the licensee or, if the licensee cannot be
26 reached for service in hand or by certified mail,
27 has left written notice thereof at the agency or
28 facility. For the purposes of this subsection
29 the term "licensee" means the person, firm, cor-
30 poration or association to whom a conditional li-
31 cense or approval has been issued.

32 Sec. 4. 22 MRSA §7802, sub-§4, ¶¶C and D, as en-
33 acted by PL 1983, c. 386, §2, are amended to read:

34 C. Revocation or suspension of a full license or
35 approval; ~~or~~

36 D. Refusal to issue a provisional license or ap-
37 proval; or

38 Sec. 5. 22 MRSA §7802, sub-§4, ¶E is enacted to
39 read:

1 E. Expiration of a temporary family foster home
2 license.

3 Sec. 6. 22 MRSA §7802, sub-§5, ¶D, as repealed
4 and replaced by PL 1983, c. 386, §2, is amended to
5 read:

6 D. Refuse to issue or renew a full license or
7 approval; or

8 Sec. 7. 22 MRSA §7802, sub-§5, ¶E, as amended by
9 PL 1983, c. 602, §4, is further amended to read:

10 E. Refuse to issue a provisional license or ap-
11 proval-; or

12 Sec. 8. 22 MRSA §7802, sub-§5, ¶F is enacted to
13 read:

14 F. Refuse to issue a temporary family foster
15 home license.

16 Sec. 9. 22 MRSA §8103, as enacted by PL 1975, c.
17 719, §6, is repealed and the following enacted in its
18 place:

19 §8103. Fire safety; exceptions

20 1. Procedures. All procedures and other provi-
21 sions included in section 7904, subsections 1 and 2,
22 for boarding care facilities shall also apply to
23 children's homes, except that the written statement
24 referred to in section 7904, subsection 1, need not
25 be furnished annually by the State Fire Marshal to
26 the department when a children's home serves only one
27 or 2 children.

28 2. Temporary license. The department may issue
29 a temporary license to operate a family foster home,
30 as defined by section 8101, subsection 3, without
31 complying with subsection 1, prior to issuing the li-
32 cence, provided that a preliminary evaluation of the
33 home reveals no obvious fire safety violations.

34 Sec. 10. 22 MRSA §8107, sub-§2, as enacted by PL
35 1983, c. 629, §2, is amended to read:

