

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 535

H.P. 401 House of Representatives, February 24, 1987  
Reference to the Committee on Judiciary suggested and  
ordered printed.

EDWIN H. PERT, Clerk  
Presented by Representative CLARK of Brunswick.  
Cosponsored by Representative COTE of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT Regarding Liability for Foster Parents  
2 for Children and Adults.  
3

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

6 Sec. 1. 22 MRSA §4066 is enacted to read:

7 §4066. Liability of foster parents

8 1. Immunity from liability. Except as provided  
9 in subsection 2, a person providing foster care to a  
10 child is immune from civil liability related to the  
11 provision of foster care to that child if that per-  
12 son:

13 A. Is licensed to operate a family foster home  
14 or a specialized children's home pursuant to  
15 chapter 1669;

1 B. Is approved by the department as meeting the  
2 standards for licensure of family foster homes  
3 and specialized children's homes, promulgated in  
4 accordance with section 8102; or

5 C. Is caring for a child at the request of the  
6 department pending the licensure or approval.

7 2. Exceptions to immunity; limits of liability.  
8 No person may be liable if they fall under either of  
9 the following exceptions.

10 A. Notwithstanding subsection 1, a person pro-  
11 viding foster care is liable for damages in a  
12 civil action for acts of willful, intentional  
13 abuse or neglect or gross neglect that result in  
14 serious harm to the foster child.

15 B. If a person is found liable pursuant to this  
16 subsection, the damages may not exceed \$10,000  
17 for any and all claims arising out of a single  
18 occurrence.

19 3. Enforcement of criminal and licensing law.  
20 This section is not intended to limit in any way the  
21 State's ability to take appropriate legal action to  
22 enforce criminal laws or laws and rules applicable to  
23 family foster homes and specialized children's homes.

24 Sec. 2. 22 MRSA §7914 is enacted to read:

25 §7914. Liability of adult foster home providers

26 1. Immunity from liability. Except as provided  
27 in subsection 2, a person licensed to operate an  
28 adult foster home pursuant to this subtitle is immune  
29 from civil liability related to the provision of  
30 boarding care to residents.

31 2. Exceptions to immunity; limits of liability.  
32 No person may be liable if they fall under either of  
33 the following exceptions.

34 A. Notwithstanding subsection 1, a person li-  
35 censed to provide boarding care in an adult fos-  
36 ter home is liable to damages in a civil action  
37 for acts of willful, intentional abuse or neglect

