

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 576

H.P. 431 House of Representatives, February 26, 1987
Reference to the Committee on Human Resources suggested
and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative CLARK of Brunswick.

Cosponsored by Representative BOUTILIER of Lewiston and
Senator BERUBE of Androscoggin.

STATE OF MAINE

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

AN ACT to Require Mandatory Certification of
Adult Day Care Services in Maine.

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

Sec. 1. 22 MRSA §7702, as amended by PL 1983, c.
691, §1, is further amended to read:

§7702. Violation; penalty

Whoever violates any provision of this subtitle
shall be punished by a fine of not more than \$500 or
by imprisonment for not more than 11 months, or by
both, except that anyone violating sections 7703 and,
8305 and 8603 shall be punished only by a fine of not
more than \$500.

1 Sec. 2. 22 MRSA §7801, sub-§1, ¶E, as repealed
2 and replaced by PL 1983, c. 386, §1, is amended to
3 read:

4 E. A day care facility; ~~e*~~

5 Sec. 3. 22 MRSA §7801, sub-§1, ¶E, as enacted by
6 PL 1983, c. 386, §1, is amended to read:

7 F. A nursery school; or

8 Sec. 4. 22 MRSA §7801, sub-§1, ¶G is enacted to
9 read:

10 G. An Adult day care program.

11 Sec. 5. 22 MRSA c. 1679 is enacted to read:

12 CHAPTER 1679

13 ADULT DAY CARE PROGRAMS

14 §8601. Definition

15 As used in this subtitle, the term "adult day
16 care program" means a program of care, activities and
17 protection maintained or carried out on a regular ba-
18 sis by a person or combination of persons in a pri-
19 vate dwelling or other facility, for consideration,
20 for any part of a day for 3 or more adults over the
21 age of 60 who are not blood relatives and are coming
22 to the facility for the express purpose of participa-
23 ting in this program.

24 The term does not include any program for adults
25 provided by a licensed residential facility exclu-
26 sively for the residents of the facility.

27 §8602. Rules

28 The Department of Human Services shall promulgate
29 rules for adult day care programs which shall in-
30 clude, but not be limited to, rules pertaining to the
31 health and safety of the adult clients and staff, the
32 quality of the program provided, the administration
33 of medication and licensing procedures.

1 Different standards may be developed for differ-
2 ent types of adult day programs with differences
3 based on number of participants or other factors af-
4 fecting programming.

5 §8603. License

6 Beginning on January 1, 1988, no person or combi-
7 nation of persons may operate an adult day care pro-
8 gram in this State without having obtained a license
9 to operate an adult day care program from the Depart-
10 ment of Human Services.

11 §8604. Fee for license

12 The department shall charge a reasonable fee for
13 a license. There may be differential fees charged to
14 programs based on numbers of participants, type of
15 license or other considerations.

16 §8605. Fire safety

17 1. Inspection required. No license may be is-
18 ssued by the department for an adult day care program
19 until the department has received from the State Fire
20 Marshal a written statement signed by one of the of-
21 icials designated under Title 25, section 2360, 2391
22 or 2392 to make fire safety inspections. This state-
23 ment, which shall indicate that a facility has compl-
24 ied with the applicable fire safety provisions refer-
25 red to in subsections 2 and 3 and Title 25, sec-
26 tion 2452, shall be furnished annually by the State
27 Fire Marshal to the department.

28 2. Adult day care program with 6 or fewer partici-
29 pants. If the adult day care program serves 6 or
30 fewer participants on a regular basis it may comply
31 with the one-family and 2-family dwelling require-
32 ments of the Life Safety Code adopted by the State
33 Fire Marshal.

34 3. Adult day care program with more than 6 partici-
35 pants. Adult day care programs with more than 6
36 participants on a regular basis shall comply with the
37 Life Safety Code, Chapter 21, adopted by the State
38 Fire Marshal.

1 4. Fees. The department shall establish and pay
2 reasonable fees to the State Fire Marshal or municipi-
3 pal official for each such inspection.

4 STATEMENT OF FACT

5 Adult day care has been encouraged by the Bureau
6 of Maine's Elderly through its demonstration
7 projects. There is a large unmet need for these ser-
8 vices in local service areas. Now adult day care
9 programs, some privately run and privately financed,
10 are beginning to appear here in the State. Private
11 individuals are beginning to operate day care pro-
12 grams for frail adults in their homes. The develop-
13 ment of these programs is welcome, but it is the
14 State's responsibility to assure that these facili-
15 ties meet a minimum of health and safety standards
16 and that the programs provide quality programming.
17 In order to do so, this bill provides for license of
18 these facilities and programs by the Department of
19 Human Services. Fifteen states currently require li-
20 censing of adult day care centers. Most of these
21 states' regulations have been in effect since 1985.

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