

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1491

H.P. 1100 House of Representatives, May 8, 1987  
Submitted by the Department of Human Services pursuant to  
Joint Rule 24.

Reference to the Committee on Human Resources suggested  
and ordered printed.

EDWIN H. PERT, Clerk  
Presented by Representative SEAVEY of Kennebunkport.

Cosponsored by Senators RANDALL of Washington, USHER of  
Cumberland and Representative BOUTILIER of Lewiston.

STATE OF MAINE

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

AN ACT to Require Minimum Evacuation  
Standards for Boarding Care  
Facilities.

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

7 Sec. 1. 22 MRSA §7901-A, sub-§5, as enacted by  
8 PL 1985, c. 770, §6, is amended to read:

9 5. Mobile nonambulatory. "Mobile nonambu-  
10 latory," as applied to a resident of a boarding care  
11 facility, means being able to transfer independently,  
12 ~~but unable to walk or unable to transfer without as-~~  
13 ~~sistance, but able to move from place to place with~~  
14 ~~the use of a device, such as a walker, crutches,~~  
15 ~~wheelchair or wheeled platform, as certified by a~~  
16 ~~physician or psychologist and able to evacuate a fa-~~

1 cility in less than 2 1/2 minutes with the assistance  
2 of another person throughout the evacuation  
3 procedure.

4       **Sec. 2.** 22 MRSA §7901-A, sub-§§6 and 7, as en-  
5 acted by PL 1985, c. 770, §6, are repealed.

6       **Sec. 3.** 22 MRSA §7904-A, sub-§5, as enacted by  
7 PL 1985, c. 770, §10, is amended to read:

8       **5.** Requirements for boarding homes with 6 or  
9 fewer beds. The department may permit any boarding  
10 home having 6 or fewer ambulatory residents who can  
11 evacuate the facility without the assistance of an-  
12 other person in 2 or less minutes to comply with the  
13 one-family and 2-family dwelling requirements of the  
14 Life Safety Code adopted by the State Fire Marshal  
15 ~~provided the residents are certified annually by a~~  
16 ~~physician or a psychologist as ambulatory and capable~~  
17 ~~of following directions and taking appropriate action~~  
18 ~~for self-preservation under emergency conditions~~  
19 Marshal.

20       **Sec. 4.** 22 MRSA §7904-A, sub-§6, as enacted by  
21 PL 1985, c. 770, §10, is amended to read:

22       **6.** Adult foster homes with one to 4 ambulatory  
23 residents. Adult foster homes having one to 4 ambu-  
24 latory residents who can evacuate the facility with-  
25 out the assistance of another person in 2 or less  
26 minutes shall comply with the one-family and 2-family  
27 dwelling requirements of the Life Safety Code adopted  
28 by the State Fire Marshal.

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STATEMENT OF FACT

2           The law presently requires that fire safety stan-  
3           dards to protect residents in facilities of 8 or  
4           fewer beds be determined based on a certification by  
5           a physician that a resident is either ambulatory or  
6           mobile nonambulatory. The definition of mobile  
7           nonambulatory relies heavily on the resident's depen-  
8           dence on assistive devices, such as canes or walkers.  
9           Other factors, such as the resident's ability to fol-  
10          low directions and take action for self-preservation  
11          in an emergency, are also to be evaluated by the phy-  
12          sician, who sees the resident of the boarding care  
13          facility in his office once a year.

14          The department has determined that the present  
15          definition of mobile nonambulatory does not adequately  
16          address the evacuation capability of residents be-  
17          cause it relies too heavily on the use of devices and  
18          does not address the resident's self-preservation  
19          skills in a fire emergency or simulated drill. This  
20          bill requires specific performance standards for res-  
21          ident evacuation in fire drills.

22          Small facilities with ambulatory residents meet  
23          minimal life safety standards. Facilities with peo-  
24          ple who need longer evacuation times, up to 2 1/2  
25          minutes, and need staff assistance require additional  
26          life safety features. Two and one-half minutes cor-  
27          responds with the definition of "very slow" in the  
28          Life Safety Code adopted for boarding care facilities  
29          under the Maine Revised Statutes, Title 22, section  
30          7912. This bill does not change the life safety  
31          standard facilities must meet in order to be li-  
32          censed, but instead standardizes the definition of  
33          mobile nonambulatory which the Office of State Fire  
34          Marshal will use in determining when these features  
35          are needed.

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