

MAINE STATE LEGISLATURE

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(New Draft of H.P. 431, L.D. 576)
(New Title)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1783

H.P. 1304 House of Representatives, June 9, 1987
Reported by Representative MANNING from the Committee on
Human Resources and printed under Joint Rule 2.

EDWIN H. PERT, Clerk

Original bill sponsored 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

1. AN ACT to Require Licensing of Adult Day Care
2. Services in Maine.
3.

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

6. Sec. 1. 22 MRSA §7702, as amended by PL 1983, c.
7. 691, §1, is further amended to read:

8. §7702. Violation; penalty

9. Whoever violates any provision of this subtitle
10. shall be punished by a fine of not more than \$500 or
11. by imprisonment for not more than 11 months, or by
12. both, except that anyone violating sections 7703 and,
13. 8305 and 8603 shall be punished only by a fine of not
14. 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1 Sec. 2. 22 MRSA §7801, sub-§1, ¶E, as repealed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; or

5 Sec. 3. 22 MRSA §7801, sub-§1, ¶F, 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 PROGRAM

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, 19 years
21 of age or older, who are not blood relatives and are
22 coming to the facility for the express purpose of
23 participating in this program.

24 The term does not include:

25 1. Adult program. Any program for adults pro-
26 vided by a licensed residential facility; or

27 2. Any day activity program. Any day activity
28 program licensed by the Department Mental Health and
29 Mental Retardation.

30 §8602. Rules

31 The Department of Human Services, in consultation
32 with adult day care providers and the Maine Committee

1 on Aging, shall promulgate rules for adult day care
2 programs which shall include, but not be limited to,
3 rules pertaining to the health and safety of the
4 adult clients and staff, the quality of the program
5 provided, the administration of medication and li-
6 censing procedures.

7 Different standards may be developed for differ-
8 ent types of adult day care programs with differences
9 based on number of participants or other factors af-
10 fecting programming.

11 §8603. License

12 Beginning on July 1, 1988, no person or combina-
13 tion of persons may operate an adult day care program
14 in this State without having obtained a license to
15 operate an adult day care program from the Department
16 of Human Services.

17 §8604. Fee for license

18 The department shall charge a reasonable fee for
19 a license. There may be differential fees charged to
20 programs based on numbers of participants, type of
21 license or other considerations.

22 §8605. Fire safety

23 1. Inspection required. No license may be is-
24 sued by the department for an adult day care program
25 until the department has received from the State Fire
26 Marshal a written statement signed by one of the of-
27 icials designated under Title 25, section 2360, 2391
28 or 2392 to make fire safety inspections. This state-
29 ment, which shall indicate that a facility has com-
30 plied with the applicable fire safety provisions re-
31 ferred to in subsection 2 and Title 25, section 2452,
32 shall be furnished annually by the State Fire Marshal
33 to the department.

34 2. Life safety code. The written statement
35 which shall be furnished annually by the State Fire
36 Marshal to the department shall indicate that the
37 adult day care program has complied with at least the
38 requirements of the Life Safety Code of the National
39 Fire Protection Association as adopted by the State
40 Fire Marshal which are specified in:

1 A. The family day care homes section, if the
2 adult day care program has no more than 6 adults
3 per session;

4 B. The group day care homes section, if the
5 adult day care program has at least 7 but no more
6 than 12 adults per session; or

7 C. The child day care section, if the adult day
8 care program has more than 13 adults per session.

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

12 Sec. 6. Allocation. The following funds are al-
13 located from Other Special Revenue to carry out the
14 purposes of this Act.

15 1988-89

16 HUMAN SERVICES,
17 DEPARTMENT OF

18 Bureau of Maine's Elderly
19 All Other \$350

20 FISCAL NOTE

21 This new draft requires the Department of Human
22 Services to charge a fee to offset the cost of issu-
23 ing a license to facilities providing Adult Day Care
24 Programs. The total estimated revenue from the 10 to
25 12 such facilities in the State is \$350. The new
26 draft includes an allocation section to provide these
27 funds to the Bureau of Maine's Elderly as the program
28 coordinator.

1

STATEMENT OF FACT

2 This new draft amends the original bill, estab-
3 lishing licensure for adult day care services, as
4 follows:

5 1. Amends the title to reflect licensing instead
6 of certification;

7 2. Amends the definition of an adult day care
8 program to include adults under the age of 60 and to
9 exclude day activity programs licensed by the Depart-
10 ment of Mental Health and Mental Retardation;

11 3. Requires the Department of Human Services to
12 consult with provider agencies and the Maine Commit-
13 tee on Aging in its rulemaking;

14 4. Delays the effective date when licenses are
15 required to July 1988;

16 5. Modifies the fire safety language;

17 6. Adds an allocation section and fiscal note;
18 and

19 7. Waives compliance with the licensing require-
20 ment for facilities already licensed.

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