

# MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

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ONE HUNDRED AND THIRTEENTH LEGISLATURE

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Legislative Document

NO. 2496

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H.P. 1821 House of Representatives, March 10, 1988  
Reported by Representative RYDELL from the Committee on  
Banking and Insurance pursuant to Resolve 1987, Chapter 65.

Reference to the Joint Standing Committee on Banking and  
Insurance suggested and printing ordered under Joint Rule 18.

EDWIN H. PERT, Clerk

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STATE OF MAINE

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

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1 AN ACT to Provide a Mechanism for  
2 Insurance for Foster Care and Respite Care.  
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4 Be it enacted by the People of the State of Maine as  
5 follows:

6 Sec. 1. 22 MRSA §8101, sub-§3, as amended by PL  
7 1983, c. 629, §1, is further amended to read:

8 3. Family foster home. "Family foster home"  
9 means a ~~children's~~ home that is a private dwelling

1 where substitute parental care is provided within a  
2 family to children on a regular 24-hour a day,  
3 residential basis. The total number of children in  
4 care may not exceed 6, including the family's legal  
5 children under 16 years of age, with no more than 2 of  
6 these children under the age of 2. The provision of a  
7 family foster home is a state activity for the purpose  
8 of obtaining insurance pursuant to Title 5, section  
9 1728-A. In any action for damages against a family  
10 foster home provider, the claim for and award of  
11 damages, including costs, shall not exceed \$300,000  
12 for any and all claims arising out of a single  
13 occurrence.

14 Sec. 2. 34-B MRSA §6201, sub-§2-A is enacted to  
15 read:

16 2-A. Respite care. "Respite care" is a state  
17 activity which provides temporary care-giving to a  
18 child or an adult for the purpose of relieving that  
19 person's family or another primary care giver.  
20 Persons who have completed the training program for  
21 respite care providers through the Department of Human  
22 Services or the Department of Mental Health and Mental  
23 Retardation are eligible for any insurance provided to  
24 family foster home providers pursuant to Title 22,  
25 section 8101, subsection 3, and Title 5, section  
26 1728-A. In any action for damages against a respite  
27 care provider, the claims for and award of damages,  
28 including costs, shall not exceed \$300,000 for any and  
29 all claims arising out of a single occurrence.

30 STATEMENT OF FACT

31 This bill clarifies that provision of a family  
32 foster home and "respite care" are state activities  
33 so that the Risk Management Division can obtain  
34 insurance or self-insurance for foster parents and  
35 respite care providers. It also adds a definition of  
36 "respite care." The liability of these providers is  
37 capped at \$300,000 per occurrence.

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