

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1509

H.P. 1087

House of Representatives, May 5, 1989

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative FARNSWORTH of Hallowell.

Cosponsored by Representative CLARK of Brunswick, Senator BRANNIGAN of Cumberland and Representative BURKE of Vassalboro.

STATE OF MAINE

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

An Act to Provide Flexibility in the Laws on Residential Placement of
Young Adults.



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

3 **Sec. 1. 22 MRSA §7801, sub-§5** is enacted to read:

5 5. Residents under age of 18 years. Notwithstanding any
7 age requirement, a person who is 17 years of age or older may be
9 a resident in an adult foster home or boarding home if the
11 department determines that such a placement is in the best
13 interests of that person.

11 **Sec. 2. 22 MRSA §7902, sub-§1**, as amended by PL 1985, c. 770,
13 §7, is further amended to read:

15 1. Rules promulgated. The commissioner shall promulgate
17 rules for boarding care facilities, which shall include but need
19 not be limited to rules pertaining to administration, staffing,
21 the number of residents, the quality of care, the quality of
23 treatment, if applicable, the health and safety of staff and
residents, the rights of residents, community relations, the
administration of medication, criteria for placement of residents
who are 17 years of age or older and under 18 years and licensing
procedures. There shall be separate rules promulgated for
boarding homes and foster homes.

25 In establishing the rules for the administration of medication,
27 the commissioner shall consider, among other factors, the general
29 health of the persons likely to receive medication, the number of
31 persons served by the facility and the number of persons employed
33 by the facility. In the rules for the administration of
35 medication established for boarding homes, the Department of
Human Services shall require unlicensed personnel to have
successfully completed a program of training and instruction
approved by the department for the administration of medication
which is not limited to in-service training.

37 **Sec. 3. 22 MRSA §8107, sub-§3** is enacted to read:

39 3. Residents 18 years of age or older. A resident in a
41 children's home may remain in that home for up to 9 months after
attaining the age of 18 years if the department determines that
it is in the best interest of the child.

43

STATEMENT OF FACT

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47 The purpose of this bill is to allow greater flexibility in
49 residential placement of individuals who are near the age of 18.
51 Under this bill, the Department of Human Services may allow
persons who reach the age of 18 to remain in a children's home
for a period of up to 9 months after that birthday or allow a
person 17 years of age or older to be placed in an adult care

1 home. The decision on placement would be based on the best interest of the resident.