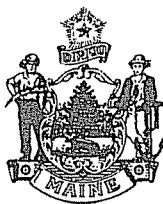


MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2250

S.P. 878

In Senate, January 28, 1992

Submitted by the Department of Human Services pursuant to Joint Rule 24.
Reference to the Committee on Human Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator SUMMERS of Cumberland
Cosponsored by Senator BUSTIN of Kennebec and Representative MARSH of West
Gardiner.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-TWO

An Act to Extend Liability Insurance to Specialized Children's Homes.



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

2
4 22 MRSA §8101, sub-§3, as amended by PL 1987, c. 778, §2, is further amended to read:

6 3. Family foster home. "Family foster home" means a
8 children's home that is a private dwelling where substitute
parental care is provided within a family on a regular, 24-hour a
10 day, residential basis. The total number of children in care may
not exceed 6, including the family's legal children under 16
12 years of age, with no more than 2 of these children under the age
of 2. Family foster homes and specialized children's homes as
14 defined in subsection 5 licensed by the Department of Human
Services or relatives' homes approved by the Department of Human
16 Services as meeting licensing standards are eligible for
insurance pursuant to Title 5, section 1728-A. In any action for
18 damages against a family foster home provider insured pursuant to
Title 5, section 1728-A, for damages covered under that policy,
the claim for and award of those damages, including costs and
20 interest, ~~shall~~ may not exceed \$300,000 for any and all claims
arising out of a single occurrence. When the amount awarded to
22 or settled for multiple claimants exceeds the limit imposed by
this section, any party may apply to the Superior Court for the
24 county in which the governmental entity is located to allocate to
each claimant that claimant's equitable share of the total,
26 limited as required by this section. Any award by the court in
excess of the maximum liability limit ~~shall-be~~ is automatically
28 abated by operation of this section to the maximum limit of
liability. Nothing in this subsection may be deemed to make the
30 operation of a family foster home a state activity nor may it
expand in any way the liability of the State or foster parent.

32
34 STATEMENT OF FACT

36 This bill includes licensed specialized foster homes for
children with the already covered family foster homes as eligible
38 for liability insurance under the risk management program. The
cost of adding the 3 additional homes will be covered in the
40 existing program.