

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1324

S.P. 449

In Senate, February 16, 1999

An Act to Eliminate the Need for a Foster Home License for Adoptive Parents.

Reference to the Committee on Judiciary 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 MURRAY of Penobscot.
Cosponsored by Senators: MITCHELL of Penobscot, PARADIS of Aroostook.

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

2
3 **Sec. 1. 22 MRSA §7801, sub-§1**, as amended by PL 1995, c. 670,
4 Pt. B, §5 and affected by Pt. D, §5, is further amended to read:

6 **1. License required.** Except as provided in subsection 3 and
7 subsection 6, ~~no~~ a person, firm, corporation or association may
8 not operate any of the following without having, subject to this
9 subtitle and to the rules ~~premulgated~~ adopted by the department
10 under this subtitle, a written license therefor from the
11 department:

12 A. A residential care facility;

14 A-1. In accordance with subparagraphs (1) and (2), a
15 congregate housing services program either directly or by
16 contract providing to its residents any of the following
17 services: personal care assistance, the administration of
18 medication or nursing services.

20 (1) A congregate housing services program may directly
21 provide to its residents meals, housekeeping and chore
22 assistance, case management and personal care
23 assistance delivered on the site of congregate housing
24 without obtaining a separate license to do so.

26 (2) A congregate housing services program licensee may
27 hold at any one time only one license under section
28 7901-B, subsection 2. A qualified congregate housing
29 services program may obtain a license for a different
30 category under section 7901-B, subsection 2, upon
31 application and surrender of the previous license;

34 B. A drug treatment center;

36 C. A children's home;

38 D. A child placing agency;

40 E. A day care facility;

42 F. A nursery school; or

44 G. An adult day care program.

46 **Sec. 2. 22 MRSA §7801, sub-§6** is enacted to read:

2 6. Adoption petition. A child may be a resident in a home
3 without the home being required to be licensed as a children's
4 home under chapter 1669 if at least one adult residing in the
5 home has filed a petition to adopt that child under Title 18-A,
6 section 9-301. This subsection applies only during the pendency
7 of the petition.

8

SUMMARY

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11 This bill allows a child who is being adopted to stay with
12 the child's future adoptive parent without the parent having to
13 license the home as a children's home during the pendency of a
14 petition for adoption.