

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

DATE: 4-24-03

(Filing No. H-170 )

MAJORITY  
HEALTH AND HUMAN SERVICES

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
121ST LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 63, L.D. 55, Bill, "An Act to Keep Foster Children Safe and Healthy"

Amend the bill in section 1 in that part designated "~~§1580-E.~~" by striking out all of subsection 2 (page 1, lines 12 to 15 in L.D.) and inserting in its place the following:

'2. Vehicle prohibition. A foster parent is prohibited from smoking in that foster parent's private vehicle when a foster child is in that vehicle and may not allow any other person to smoke in that foster parent's private vehicle when a foster child is in that vehicle.

3. Application. This section applies to foster parents as follows:

A. All foster parents in foster homes licensed on or after July 1, 2004 shall comply with this section beginning on the date of licensure; and

B. All foster parents in foster homes licensed before July 1, 2004 shall comply with this section beginning on October 1, 2005.

4. Licensing rules. By July 1, 2004, the department shall amend the foster home licensing rules to implement this section. The rules must provide for notification to foster parents of state resources available to them regarding smoking addiction.

R.O.S.

COMMITTEE AMENDMENT "A" to H.P. 63, L.D. 55

2 including counseling and treatment through the toll-free tobacco  
3 help line. The rules must contain procedures for revoking the  
4 license of a foster home where smoking is taking place in the  
5 home or in the foster parent's private vehicle while a foster  
6 child is in that vehicle. Rules adopted pursuant to this section  
7 are major substantive rules as defined in Title 5, chapter 375,  
8 subchapter 2-A.'

9 Further amend the bill by striking out all of section 2  
10 (page 1, lines 17 to 24 in L.D.) and inserting in its place the  
11 following:

12 **'Sec. 2. Reporting.** The Department of Human Services shall  
13 report to the Joint Standing Committee on Health and Human  
14 Services by January 1, 2004 regarding the number of foster  
15 parents in licensed foster homes who smoke tobacco and the number  
16 who are interested in assistance in overcoming their addiction to  
17 tobacco.'

18  
19  
20 **SUMMARY**

21  
22 This amendment is the majority report of the committee. The  
23 amendment restricts the prohibition on smoking in a foster  
24 parent's vehicle that is contained in the bill to smoking while a  
25 foster child is in the vehicle. The amendment provides for  
26 phasing in the prohibition on foster parents smoking in their  
27 homes and in their vehicles while a foster child is in the  
28 vehicle and provides for state assistance on smoking addiction.  
29 The amendment requires rulemaking and designates the rules as  
30 major substantive rules. The amendment requires reporting from  
31 the Department of Human Services regarding the number of foster  
32 parents who smoke and the number who are interested in assistance  
33 in overcoming their addiction to tobacco.

34  
35  
36 **FISCAL NOTE REQUIRED**  
37 **(See attached)**  
38

**COMMITTEE AMENDMENT**

Approved: 03/21/03 *MAC*

**121st Maine Legislature  
Office of Fiscal and Program Review**

**LD 55**

**An Act to Keep Foster Children Safe and Healthy**



**LR 0712(02)**

**Fiscal Note for Bill as Amended by Committee Amendment**

**Committee: Health and Human Services**

**Fiscal Note Required: Yes**

---

**Fiscal Note**

Minor cost increase - General Fund

Minor revenue increase - General Fund

**Correctional and Judicial Impact Statements**

Increases the number of civil suits