

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1542

H.P. 1131

House of Representatives, April 10, 2003

**An Act To Effectively Separate Children's Homes from Adult
Residential Care Facilities Regarding Fire Safety**

Submitted by the Department of Human Services pursuant to Joint Rule 204.
Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative KANE of Saco.
Cosponsored by Senator WESTON of Waldo and
Representatives: CAMPBELL of Newfield, CRAVEN of Lewiston, CURLEY of Scarborough,
DUGAY of Cherryfield, EARLE of Damariscotta, WALCOTT of Lewiston.

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

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4 **Sec. 1. 22 MRSA §8103**, as amended by PL 2001, c. 515, §1 and
6 c. 596, Pt. B, §19 and affected by §25, is further amended to
8 read:

§8103. Fire safety; inspections for children's homes

10 ~~1. --- Procedures. --- All --- procedures --- and --- other --- provisions~~
12 ~~included in section 7904 A, subsections 1 and 2, for boarding~~
14 ~~care facilities also apply to children's homes, except that the~~
16 ~~written statement referred to in section 7904 A, subsection 1~~
18 ~~need not be furnished annually by the Commissioner of Public~~
20 ~~Safety to the department for a facility licensed as a family~~
22 ~~foster home or a specialized children's home. In these instances~~
24 ~~an inspection must be performed every 2 years.~~

18 ~~1. --- Procedures. --- All --- procedures --- and --- other --- provisions~~
20 ~~included in section 7855, subsections 1 and 2 for residential~~
22 ~~care facilities also apply to children's homes, except that the~~
24 ~~written statement referred to in section 7855, subsection 1 need~~
26 ~~not be furnished annually by the Commissioner of Public Safety to~~
28 ~~the department when a children's home serves only one or 2~~
30 ~~children.~~

26 1-A. Inspection required. Except as provided in subsection
28 2, the department may not issue a license to operate to a
30 children's home until the department has received from the
32 Commissioner of Public Safety a written statement signed by one
34 of the officials designated under Title 25, section 2360, 2391 or
36 2392 to make fire safety inspections. This statement must
38 indicate that the children's home has complied with applicable
40 fire safety provisions referred to in Title 25, section 2452.

36 2. **Temporary license.** The department may issue a temporary
38 license to operate a family foster home, as defined by section
40 8101, subsection 3, without complying with the requirement to
42 receive a written, signed statement under subsection 1, 1-A prior
44 to issuing the license, as long as a preliminary evaluation of
46 the home reveals no obvious fire safety violations.

42 3. **Fees.** The department shall establish and pay reasonable
44 fees to the Commissioner of Public Safety for each inspection
46 required pursuant to subsection 1-A.

46 4. **Requirements for facilities with 17 or more beds.** A
48 children's home that has a capacity of 17 or more beds must
50 comply with the Life Safety Code of the National Fire Protection
 Association, Residential Board and Care Occupancies sections for
 large facilities as adopted by the Commissioner of Public Safety.

2 **5. Requirements for children's home with more than 6 but**
3 **fewer than 17 beds.** A children's home that has a capacity of
4 more than 6 but fewer than 17 beds must comply with the Life
5 Safety Code of the National Fire Protection Association,
6 Residential Board and Care Occupancies sections for small
7 facilities as adopted by the Commissioner of Public Safety. In
8 addition, automatic emergency lights must be provided in the
9 number and location required by the Commissioner of Public Safety.

10 **6. Requirements for children's home with 6 or fewer beds.**
11 The department may consider a children's home that has 6 or fewer
12 residents, all of whom can evacuate the home without the
13 assistance of another person in 3 minutes or less, to be in
14 compliance with the one-family and 2-family dwelling requirements
15 of the Life Safety Code of the National Fire Protection
16 Association as adopted by the Commissioner of Public Safety.

17 **7. Local regulations.** Nothing in this section prevents a
18 locality from imposing requirements for children's homes more
19 stringent than those required in this section.

20 **Sec. 2. 25 MRSA §2452, 2nd ¶ from the end,** as amended by PL
21 1997, c. 728, §25, is further amended to read:

22 Existing buildings licensed pursuant to Title 22, subtitle
23 Subtitle 6, having more than 6 boarders, with the exception of
24 boarding care facilities and children's homes, must comply with
25 any rules for residential-custodial care facilities required by
26 the Commissioner of Public Safety, except that such existing
27 facilities of not more than 2 stories in height are not required
28 to be fire resistive, protected or unprotected noncombustible,
29 protected wood frame or heavy timber construction. Such existing
30 facilities must be protected by a complete approved automatic
31 sprinkler system and meet all other requirements of
32 residential-custodial care facilities as required by the
33 Commissioner of Public Safety.

34 **Sec. 3. 25 MRSA §2452,** as amended by PL 2001, c. 596, Pt. B,
35 §22 and affected by §25, is further amended by inserting at the
36 end a new paragraph to read:

37 Existing children's homes licensed pursuant to Title 22,
38 Subtitle 6, must comply with the applicable fire safety
39 requirements of the Life Safety Code of the National Fire
40 Protection Association adopted by the Commissioner of Public
41 Safety pursuant to Title 22, section 8103.

SUMMARY

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This bill delineates the Life Safety Code of the National Fire Protection Association requirements under which children's homes are inspected. Currently, children's homes' life safety code requirements are linked to code requirements for assisted living programs, so statute changes enacted in 2002 that changed code requirements for assisted living programs also affected children's homes. This bill assigns fire safety code requirements that are more suitable for children's homes.