

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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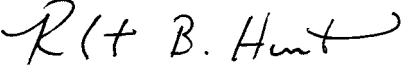
H.P. 292

House of Representatives, February 7, 2023

### **An Act to Simplify and Clarify the Licensing of Assisted Housing Facilities**

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

  
ROBERT B. HUNT  
Clerk

Presented by Representative MEYER of Eliot.

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

2 **Sec. 1. 21-A MRSA §753-B, sub-§5**, as repealed and replaced by PL 2021, c. 570,  
3 §4, is amended to read:

4 **5. Alternate method of absentee voting by residents of certain licensed facilities.**

5 Residents of certain nursing homes, residential care facilities and assisted living ~~programs~~  
6 facilities may cast absentee ballots under the provisions of this subsection. This subsection  
7 applies to a licensed nursing home subject to the provisions of Title 22, chapter 405; a  
8 licensed level IV residential care facility subject to the provisions of Title 22, chapter 1664;  
9 and a licensed assisted living ~~program~~ facility with more than 6 beds subject to the  
10 provisions of Title 22, chapter 1664. As used in this subsection, "level IV residential care  
11 facility" means a residential care facility as defined by Title 22, section 7852, subsection  
12 14 that has a licensed capacity of more than 6 residents.

13 A. The municipal clerk shall designate one time during the 30-day period prior to an  
14 election during which the municipal clerk shall be present in each facility to which this  
15 subsection applies in the municipality for the purpose of conducting absentee voting  
16 by residents of these facilities. The clerk shall designate which areas in these facilities  
17 constitute the voting place, the voting booth and the guardrail enclosure. The clerk shall  
18 post a notice in the municipal office that absentee voting will be conducted as  
19 prescribed in this subsection. The clerk shall provide a notice to each facility of the  
20 date and time when absentee voting will be conducted. The notice must state that the  
21 facility is required to notify the contact person or persons, if any, for each resident that  
22 absentee voting will be conducted. Each facility shall provide notice, which may be in  
23 the form of an e-mail or an electronic newsletter, to the contact person or persons, if  
24 any, for each resident of the date and time when absentee voting will be conducted at  
25 the facility. Sections 681 and 682 apply to voting in these facilities within the areas  
26 designated by the clerk.

27 B. To protect public health, the Secretary of State may designate procedures for  
28 conducting absentee voting for the residents of a facility to which this subsection  
29 applies that differ from the procedures described in paragraph A if:

30 (1) The Department of Health and Human Services declares a health emergency  
31 under Title 22, section 802, subsection 2;

32 (2) The Governor declares an extreme public health emergency under Title 22,  
33 section 802, subsection 2-A;

34 (3) The Department of Health and Human Services determines that a public health  
35 threat, as defined in Title 22, section 801, subsection 10, threatens the health,  
36 welfare or safety of the municipal clerk or the residents of a facility described in  
37 this subsection; or

38 (4) A facility described in this subsection prohibits the municipal clerk from  
39 entering the facility.

40 Procedures designated under this paragraph remain in effect for the duration of the  
41 health emergency, extreme public health emergency or public health threat or for as  
42 long as the municipal clerk remains prohibited from entering the facility, as the case  
43 may be.

1           **Sec. 2. 22 MRSA §1812-C, sub-§6-A**, as amended by PL 2003, c. 416, §2, is  
2 further amended to read:

3           **6-A. Shared staffing.** The department shall permit staff in nursing facilities to be  
4 shared with facilities licensed to provide assisted ~~living program~~ housing services as long as there is  
5 a clear, documented audit trail and the staffing in the nursing facilities remains adequate to  
6 meet the needs of residents. Staffing to be shared may be based on the average number of  
7 hours used per week or month within the assisted ~~living program~~ housing facility. In a  
8 facility licensed to provide assisted ~~living program~~ housing services under section 7801 in which 2  
9 or more staff are required to be awake and on duty during a night shift, one of the staff may  
10 be shared with a nursing facility located in the same building without prior approval from  
11 the department, subject to the following provisions.

12           A. Prior notice must be given to the department.

13           B. The assisted ~~living program~~ housing facility shall maintain its state minimum  
14 staffing ratio, and the nursing facility shall maintain its state minimum staffing ratio  
15 and its federal licensed nurse staffing requirement.

16           C. The assisted housing ~~program~~ facility and the nursing facility shall each post a  
17 notice informing the public that, although staffing is shared on the night shift,  
18 compliance with the minimum staffing requirements is maintained.

19           D. The department may suspend the facility's ability to share staffing under this  
20 subsection if the most recent survey for either level of care indicates deficiencies that  
21 are related to resident care and that arise from the sharing of staff.

22           **Sec. 3. 22 MRSA §2491, sub-§7-F**, as amended by PL 2021, c. 125, §4, is further  
23 amended to read:

24           **7-F. Lodging place.** "Lodging place" means a fixed structure, or any part of a  
25 structure, used, maintained or advertised as a place where sleeping accommodations are  
26 furnished that offers stays that are temporary in nature and consist of fewer than 183 days  
27 in the aggregate per year. "Lodging place" includes accommodations in the entertainment,  
28 hospitality, recreation and tourism industries, including, but not limited to, hotels, motels,  
29 bed and breakfasts, inns and properties under common management at the same location  
30 where 4 or more rooms, cottages or condominium units are available. "Lodging place"  
31 does not include vacation rentals, youth camps, dormitories of charitable, educational or  
32 philanthropic institutions, fraternity or sorority houses affiliated with educational  
33 institutions, permanent residences, ~~or~~ rental properties with tenant and landlord  
34 relationships as described under Title 14, chapters 709 to 710-D, nursing facilities as  
35 defined in section 1812-A, assisted living ~~programs~~ facilities as defined in section 7852,  
36 subsection 4 ~~4-A~~ or residential care facilities as defined in section 7852, subsection 14.

37           **Sec. 4. 22 MRSA §7801, sub-§1, ¶A-1**, as corrected by RR 2001, c. 2, Pt. A, §36,  
38 is amended to read:

39           A-1. In accordance with subparagraphs (1) and (2), an assisted housing ~~program~~  
40 facility either directly or by contract providing to its residents any of the following  
41 services: personal care assistance, the administration of medication or nursing services.

42           (1) An assisted housing ~~program~~ facility may directly provide to its residents  
43 meals, housekeeping and chore assistance, case management and personal care

1 assistance delivered on the site of congregate housing without obtaining a separate  
2 license to do so.

3 (2) An assisted housing ~~program~~ facility licensee may hold at any one time only  
4 one license under this subsection. A qualified assisted housing ~~program~~ facility  
5 may obtain a license for a different category under this subsection, upon  
6 application and surrender of the previous license;

7 **Sec. 5. 22 MRSA §7802, sub-§2, ¶B**, as amended by PL 2021, c. 35, §14, is further  
8 amended to read:

9 B. The terms of full licenses or approvals are as follows.

10 (1) Except as provided in subparagraphs (2) to ~~(7)~~ (8), the term of all full licenses  
11 and approvals issued pursuant to this chapter is for one year or the remaining period  
12 of a conditional or provisional license that has been issued for less than one year.

13 (2) The term of a children's residential care facility license is for 2 years.

14 (3) The term of a drug treatment center license is for 2 years.

15 (4) The term of a family foster home or specialized foster home license is for 2  
16 years.

17 (5) The term of a child care facility license issued under section 8301-A,  
18 subsection 2 is for 2 years.

19 (6) The term of a family child care provider license issued under section 8301-A,  
20 subsection 3 is for 2 years.

21 (7) The term of an adult day care program license pursuant to chapter 1679 is for  
22 either one or 2 years at the discretion of the department.

23 (8) The term of an assisted housing facility license issued under section 7853 is  
24 for 2 years.

25 **Sec. 6. 22 MRSA c. 1664, headnote** is amended to read:

26 **CHAPTER 1664**

27 **ASSISTED HOUSING ~~PROGRAMS~~ FACILITIES**

28 **Sec. 7. 22 MRSA §7851**, as amended by PL 2015, c. 494, Pt. A, §25, is further  
29 amended to read:

30 **§7851. Assisted housing ~~programs~~ facilities**

31 Assisted housing ~~programs~~ facilities are authorized under this chapter in the following  
32 settings and subject to the following standards and licensure requirements.

33 **1. Standards.** Assisted housing ~~programs~~ facilities further the independence of the  
34 resident and respect the privacy and personal choices of the resident, including the choice  
35 to continue to reside at home for so long as the assisted housing ~~program~~ facility, as it is  
36 fundamentally designed, is able to meet the needs of the resident. Assisted housing  
37 ~~programs~~ facilities provided to residents must be consumer oriented and meet professional  
38 standards of quality.

1           **2. Settings.** Assisted housing programs may be provided in facilities consist of the  
2 following settings:

3           A. ~~Independent housing with services programs, as defined in section 7852, subsection~~  
4           6;

5           B. Assisted living ~~programs~~ facilities, as defined in section 7852, subsection 4 ~~4-A~~; or

6           C. Residential care facilities, as defined in section 7852, subsection 14.

7           **3. Licensure requirements.** ~~Independent housing with services programs are not~~  
8 ~~subject to licensure.~~ Licensure of assisted living ~~programs~~ facilities is governed by section  
9 7801, subsection 1. Licensure of residential care facilities is governed by section 7801,  
10 subsections 1 and 3.

11           **4. Prohibited employment based on disqualifying offenses.** A licensed assisted  
12 housing ~~program~~ facility shall conduct a comprehensive background check for direct access  
13 personnel, as defined in section 1717, subsection 1, paragraph A-2, in accordance with state  
14 law and rules adopted by the department and is subject to the employment restrictions set  
15 out in section 1812-G and other applicable federal and state laws when hiring, employing  
16 or placing direct access personnel, including a certified nursing assistant or a direct care  
17 worker.

18           The department may adopt rules necessary to implement this subsection. Rules adopted  
19 pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375,  
20 subchapter 2-A.

21           **Sec. 8. 22 MRSA §7852, sub-§2**, as enacted by PL 2001, c. 596, Pt. A, §1 and  
22 affected by Pt. B, §25, is repealed.

23           **Sec. 9. 22 MRSA §7852, sub-§2-A** is enacted to read:

24           **2-A. Assisted housing facility.** "Assisted housing facility" means an assisted living  
25 facility or a residential care facility.

26           **Sec. 10. 22 MRSA §7852, sub-§3**, as enacted by PL 2001, c. 596, Pt. A, §1 and  
27 affected by Pt. B, §25, is amended to read:

28           **3. Assisted housing services.** "Assisted housing services" means the provision ~~by an~~  
29 ~~assisted housing program~~ of housing, assistance with activities of daily living and  
30 instrumental activities of daily living, personal supervision, protection from environmental  
31 hazards, meals, diet care, care management ~~and~~ diversional or motivational activities,  
32 medication administration and nursing services.

33           **Sec. 11. 22 MRSA §7852, sub-§4**, as enacted by PL 2001, c. 596, Pt. A, §1 and  
34 affected by Pt. B, §25, is repealed.

35           **Sec. 12. 22 MRSA §7852, sub-§4-A** is enacted to read:

36           **4-A. Assisted living facility.** "Assisted living facility" means a house or other place  
37 that, for consideration, is maintained wholly or in part for the purpose of providing assisted  
38 living services to residents in private apartments in buildings that include a common dining  
39 area, either directly by the provider or indirectly through contracts with persons, entities or  
40 agencies.

1           **Sec. 13. 22 MRSA §7852, sub-§5**, as amended by PL 2003, c. 688, Pt. C, §12, is  
2 further amended to read:

3           **5. Assisted living services.** "Assisted living services" means the provision of assisted  
4 housing services by an assisted housing program, ~~either directly by the provider or~~  
5 ~~indirectly through contracts with persons, entities or agencies, of assisted housing services,~~  
6 ~~assisted housing services with the addition of medication administration or assisted housing~~  
7 ~~services with the addition of medication administration and nursing services~~ facility.

8           **Sec. 14. 22 MRSA §7852, sub-§6**, as enacted by PL 2001, c. 596, Pt. A, §1 and  
9 affected by Pt. B, §25, is repealed.

10           **Sec. 15. 22 MRSA §7852, sub-§9**, as enacted by PL 2001, c. 596, Pt. A, §1 and  
11 affected by Pt. B, §25, is repealed.

12           **Sec. 16. 22 MRSA §7852, sub-§10-A** is enacted to read:

13           **10-A. Multi-level health care facility.** "Multi-level health care facility" means a  
14 residential care facility and a nursing facility that are colocated on the same premises.

15           **Sec. 17. 22 MRSA §7852, sub-§11**, as enacted by PL 2001, c. 596, Pt. A, §1 and  
16 affected by Pt. B, §25, is amended to read:

17           **11. Nursing services.** "Nursing services" means services provided by professional  
18 nurses defined in Title 32, section 2102, subsection 2. "Nursing services" includes  
19 coordination and oversight of resident care services provided by unlicensed health care  
20 assistive personnel in assisted living programs housing facilities.

21           **Sec. 18. 22 MRSA §7852, sub-§14**, as enacted by PL 2001, c. 596, Pt. A, §1 and  
22 affected by Pt. B, §25 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to  
23 read:

24           **14. Residential care facility.** "Residential care facility" means a house or other place  
25 that, for consideration, is maintained wholly or partly for the purpose of providing residents  
26 with assisted living services. Residential care facilities provide housing and services to  
27 residents in private or semi-private bedrooms in buildings with common living areas and  
28 dining areas. "Residential care facility" does not include a licensed nursing home, a mental  
29 health residential program licensed under Title 34-B, section 1203-A, a substance use  
30 treatment facility licensed under chapter 1667, a residential program for individuals with  
31 intellectual disabilities licensed under Title 34-B, section 1203-A or a supported shared  
32 living arrangement certified by the department.

33           **Sec. 19. 22 MRSA §7853, first ¶**, as amended by PL 2003, c. 673, Pt. V, §2 and  
34 affected by §29, is further amended to read:

35           The commissioner shall adopt rules for licensed assisted housing ~~programs~~ facilities.  
36 Rules adopted pursuant to this section are major substantive rules as defined in Title 5,  
37 chapter 375, subchapter 2-A, except that rules to establish categories of licensed assisted  
38 housing ~~programs~~ facilities, including private nonmedical institutions, are routine technical  
39 rules as defined in Title 5, chapter 375, subchapter 2-A.

40           **Sec. 20. 22 MRSA §7853, sub-§1**, as enacted by PL 2001, c. 596, Pt. A, §1 and  
41 affected by Pt. B, §25, is amended to read:

1           **1. Consultation.** The rules must be developed in consultation with the long-term care  
2 ombudsman program established pursuant to section 5106, subsection 11-C, consumer  
3 representatives and providers of in the type of assisted housing ~~program~~ facility to which  
4 the rules will apply.

5           **Sec. 21. 22 MRSA §7853, sub-§3**, as enacted by PL 2001, c. 596, Pt. A, §1 and  
6 affected by Pt. B, §25, is amended to read:

7           **3. Administration of medication rules.** In adopting the rules for administration of  
8 medication, the commissioner shall consider, among other factors, the general health of the  
9 persons likely to receive medication and the numbers of persons served and employed by  
10 the assisted housing ~~program~~ facility. The department may require unlicensed personnel  
11 to have successfully completed a program of training and instruction, approved by the  
12 department for the administration of medication, that is not limited to in-service training.

13           **Sec. 22. 22 MRSA §7853, sub-§5**, as amended by PL 2003, c. 449, §3, is further  
14 amended to read:

15           **5. Assisted ~~living program~~ housing facility rules.** The commissioner shall adopt  
16 rules for assisted ~~living programs~~ housing facilities. In addition to the subject matter of  
17 rules listed in subsection 2, the rules must recognize and promote the efficiencies inherent  
18 in providing services in the applicable setting with respect to staffing and other  
19 responsibilities, while ensuring quality of care and safety. The rules must set requirements  
20 and standards for services rendered in the applicable settings that recognize the differences  
21 between those settings and private homes served pursuant to chapter 419. The rules must  
22 permit staff in assisted ~~living programs~~ housing facilities to be shared in accordance with  
23 section 1812-C, subsection 6-A and section ~~7914~~ 7860.

24           **Sec. 23. 22 MRSA §7853, sub-§6**, as amended by PL 2003, c. 449, §3, is further  
25 amended to read:

26           **6. Applicability of residents' rights rules.** Any rules adopted pursuant to this section  
27 pertaining to residents' rights are applicable to licensed assisted housing ~~programs~~ facilities.

28           **Sec. 24. 22 MRSA §7853, sub-§7**, as enacted by PL 2003, c. 449, §4, is amended  
29 to read:

30           **7. Relationship to tax credit financing.** In adopting rules under this section, the  
31 department shall give due consideration to and shall avoid conflicts with the requirements  
32 of the federal Internal Revenue Code of 1986 and regulations promulgated under the federal  
33 Internal Revenue Code of 1986 and any other requirements imposed by the federal Internal  
34 Revenue Service when financing based on low-income housing tax credits is utilized for  
35 the housing component of assisted ~~living programs~~ housing facilities.

36           **Sec. 25. 22 MRSA §7854**, as enacted by PL 2001, c. 596, Pt. A, §1 and affected by  
37 Pt. B, §25, is amended to read:

38           **§7854. Fees for licensure**

39           The department shall charge annual fees for licensure of residential care facilities and  
40 assisted living ~~programs~~ facilities as follows:

41           **1. Fees for residential care facility.** Ten dollars per licensed bed for a residential  
42 care facility; and



1           **2. Fees for assisted living ~~programs~~ facilities.** Two hundred dollars for an assisted  
2 living ~~program~~ facility.

3           **Sec. 26. 22 MRSA §7856**, as amended by PL 2019, c. 338, §1, is further amended  
4 to read:

5           **§7856. Fire safety inspection for assisted living ~~programs~~ facilities**

6           In accordance with this section, the department shall adopt rules pursuant to Title 5,  
7 chapter 375 for the inspection of assisted living ~~programs~~ facilities as defined in section  
8 7852, subsection 4, ~~4-A~~ by the Commissioner of Public Safety or the commissioner's  
9 designee and the fees for that inspection. Rules regarding fees adopted pursuant to this  
10 section are major substantive rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

11           **1. Permits; inspection.** Construction and renovation of assisted living ~~programs~~  
12 facilities require a construction permit from the Commissioner of Public Safety. Prior to  
13 licensure all assisted living ~~programs~~ facilities must be inspected by the Commissioner of  
14 Public Safety or the commissioner's designee at the request of the department. All assisted  
15 living ~~programs~~ facilities must be inspected upon performing renovations and must be  
16 reinspected every 2 years.

17           **2. Certificate of compliance.** The Commissioner of Public Safety shall issue a  
18 certificate of compliance with the provisions of this section to the department.

19           **3. Requirements.** All assisted living ~~programs~~ facilities must be inspected using the  
20 chapter pertaining to the applicable building type of the National Fire Protection  
21 Association Life Safety Code adopted by the Department of Public Safety, Office of the  
22 State Fire Marshal and must be protected throughout by a supervised, automatic sprinkler  
23 system approved by the Commissioner of Public Safety.

24           **Sec. 27. 22 MRSA §7857, sub-§1**, as enacted by PL 2001, c. 596, Pt. A, §1 and  
25 affected by Pt. B, §25, is amended to read:

26           **1. Permission to manage personal funds.** An operator or agent of an assisted housing  
27 ~~program~~ facility may not manage, hold or deposit in a financial institution the personal  
28 funds of a resident of the facility unless the operator or agent has received written  
29 permission from:

- 30           A. The resident if the resident does not have a guardian, trustee or conservator;
- 31           B. The resident's guardian, trustee or conservator if that person exists and can be  
32 reached; or
- 33           C. The department if a guardian, trustee or conservator exists but ~~can not~~ cannot be  
34 reached.

35           **Sec. 28. 22 MRSA §7857, sub-§2**, as enacted by PL 2001, c. 596, Pt. A, §1 and  
36 affected by Pt. B, §25, is amended to read:

37           **2. Itemized accounting.** An operator or agent of an assisted housing ~~program~~ facility  
38 who, after receiving written permission pursuant to subsection 1, manages or holds the  
39 personal funds of a resident shall maintain an account for these funds, which must include  
40 for each resident a separate, itemized accounting for the use of that resident's personal funds  
41 with supporting documentation for every expenditure in excess of \$2.

1           **Sec. 29. 22 MRSA §7857, sub-§3**, as enacted by PL 2001, c. 596, Pt. A, §1 and  
2 affected by Pt. B, §25, is amended to read:

3           **3. Depositing personal funds.** The department may require an operator or agent of  
4 an assisted housing ~~program~~ facility to deposit in a financial institution the personal funds  
5 of a resident if the resident has a guardian, trustee or conservator who ~~can not~~ cannot be  
6 reached.

7           **Sec. 30. 22 MRSA §7857, sub-§4**, as enacted by PL 2001, c. 596, Pt. A, §1 and  
8 affected by Pt. B, §25, is amended to read:

9           **4. Use of personal funds by operator prohibited.** Under no circumstances may an  
10 operator or agent of an assisted housing ~~program~~ facility use the personal funds of a resident  
11 for the operating costs of the facility or for services or items that are reimbursed by a 3rd  
12 party. The personal funds of a resident may not be commingled with the business funds of  
13 the facility or with the personal funds or accounts of the owner, a member of the owner's  
14 family or an employee of the facility.

15           **Sec. 31. 22 MRSA §7860**, as enacted by PL 2001, c. 596, Pt. A, §1 and affected by  
16 Pt. B, §25, is amended to read:

17           **§7860. Shared staffing**

18           The department shall permit shared staffing ~~between residential care facilities and other~~  
19 ~~levels of assisted housing on the same premises~~ within multi-level health care facilities as  
20 long as there is a clear, documented audit trail and the staffing in the residential care  
21 facilities remains adequate to meet the needs of residents. Staffing to be shared may be  
22 based on the average number of hours used per week or month within the assisted housing  
23 ~~program~~ facility. For the purposes of this section, "shared staffing" means the use of  
24 licensed and unlicensed personnel who are employed, directly or under a contract, by a  
25 ~~long-term care~~ multi-level health care facility in more than one level of care provided by a  
26 single entity ~~on the same premises~~.

27           **Sec. 32. 22 MRSA §7861**, as amended by PL 2013, c. 582, §§2 and 3, is further  
28 amended to read:

29           **§7861. Administration of assisted housing ~~programs~~ facilities funded by the State;**  
30 **eligible clients**

31           The Department of Health and Human Services, with advice from the Maine State  
32 Housing Authority, the United States Department of Agriculture, Rural Housing ~~Services~~  
33 Service or any other housing agency financing assisted housing ~~programs~~ facilities, shall  
34 administer state-funded assisted housing ~~programs~~ facilities. Administration must include,  
35 but is not limited to:

36           **1. Rules; payment for assisted housing ~~programs~~ facilities.** Adopting rules  
37 governing the services to be provided under assisted housing ~~programs~~ facilities paid for  
38 with state funds. Rules adopted pursuant to this subsection are routine technical rules as  
39 defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A;

40           **2. Compliance with standards and guidelines.** Reviewing the compliance of  
41 assisted housing ~~programs~~ facilities with standards and guidelines established for the  
42 ~~programs~~ facilities;

1           **3. Awarding of grants.** Awarding of grants, when available and necessary, to  
2 subsidize the cost of assisted housing ~~programs~~ facilities for eligible clients.

3 For the purposes of this subsection, "eligible clients" means adults who have been  
4 determined through an approved assessment by the department to be functionally or  
5 cognitively impaired and in need of financial assistance to access assisted housing  
6 ~~programs~~ facilities; and

7           **4. Residential care facility depreciation.** Calculating depreciation recapture for a  
8 residential care facility, as defined in section 7852, subsection 14, that is reimbursed by the  
9 department under the rules of reimbursement for room and board costs, including  
10 depreciation, when the facility is sold on or after July 1, 2013, using a methodology that  
11 provides percentage credits for buildings, fixed equipment and moveable equipment based  
12 on the number of years of operation of the residential care facility by the owner that is  
13 consistent with the following:

14           A. For the purposes of determining depreciation recapture for buildings and fixed  
15 equipment, the methodology must determine the number of years of operation by  
16 reference to the date on which the owner began operating with the original license;

17           B. For the purposes of determining depreciation recapture for moveable equipment,  
18 the methodology must enable percentage credits to reach 100% after the first 6 years  
19 of the assigned useful life; and

20           C. The methodology must treat as equivalent to the owner of the residential care  
21 facility any person or entity that owns or controls the entity that owns the residential  
22 care facility and any entity that is owned or controlled by the owner of the residential  
23 care facility.

24           **Sec. 33. 22 MRSA §7932, sub-§2,** as amended by PL 2001, c. 596, Pt. B, §15 and  
25 affected by §25, is further amended to read:

26           **2. Facility.** "Facility" means any assisted living facility, residential care facility or  
27 assisted housing ~~program~~ facility subject to licensure pursuant to chapters 1663 and 1664,  
28 any nursing facility or unit subject to licensure pursuant to chapter 405 and any private  
29 psychiatric hospital subject to licensure pursuant to chapter 405.

30           **Sec. 34. 22 MRSA §7942, sub-§3,** as amended by PL 2003, c. 634, §7, is further  
31 amended to read:

32           **3. Long-term care facility.** "Long-term care facility" means an assisted living  
33 ~~program~~ facility or residential care facility subject to licensure pursuant to chapters 1663  
34 and 1664 and a nursing or intermediate care facility or unit subject to licensure pursuant to  
35 chapter 405.

36           **Sec. 35. 22 MRSA §7942, sub-§7,** as amended by PL 2011, c. 542, Pt. A, §47, is  
37 further amended to read:

38           **7. State licensing rules.** "State licensing rules" refers to the department's rules  
39 governing the licensing and functioning of nursing facilities, intermediate care facilities for  
40 persons with intellectual disabilities and assisted living ~~programs~~ facilities or residential  
41 care facilities.

