

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2026

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Legislative Document

No. 2001

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S.P. 815

In Senate, December 5, 2025

### **An Act to Clarify the Laws Governing Facilities for Children and Adults Under the Health and Human Services Laws**

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Submitted by the Department of Health and Human Services pursuant to Joint Rule 203.  
Received by the Secretary of the Senate on December 3, 2025. Referred to the Committee  
on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator INGWERSEN of York.

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

2 **Sec. 1. 22 MRSA §7703, sub-§2, ¶B**, as enacted by PL 1983, c. 691, §2, is  
3 amended to read:

4 B. Notwithstanding sections 3474 and 4008, any information gathered and all records  
5 created or obtained in the course of an investigation of neglect or abuse, including all  
6 post-investigation activities and proceedings, except a statement indicating whether or  
7 not a report of abuse or neglect has been received, the nature of the alleged abuse or  
8 neglect and the conclusion reached by the department, if any;

9 **Sec. 2. 22 MRSA §7802, sub-§1-A**, as amended by PL 2023, c. 405, Pt. A, §78, is  
10 further amended to read:

11 **1-A. Consolidation of functions.** All staff performing general licensing functions  
12 within the Office of Child and Family Services, including the out-of-home abuse and  
13 neglect investigating team when investigating pursuant to section 8354, ~~subsection 2,~~  
14 ~~paragraph C 4099-L~~, are consolidated as a single organizational unit.

15 **Sec. 3. 22 MRSA §8103, sub-§2-A**, as enacted by PL 2019, c. 444, §3, is amended  
16 to read:

17 **2-A. Family foster homes and specialized children's homes.** Family foster homes  
18 and specialized children's homes are exempt from the inspection requirement in subsection  
19 1-A. The department shall inspect a family foster home or specialized children's home  
20 prior to placing a foster child in the home. The department shall adopt routine technical  
21 rules as defined in Title 5, chapter 375, subchapter 2-A governing the fire and safety  
22 inspection of family foster homes and specialized children's homes.

23 **Sec. 4. 22 MRSA §8104**, as amended by PL 2005, c. 12, Pt. RR, §1 and c. 397, Pt.  
24 A, §28, is further amended by amending the section headnote to read:

25 **§8104. Interagency licensing Licensing authority and rules**

26 **Sec. 5. 22 MRSA §8104, sub-§1**, as amended by PL 2005, c. 397, Pt. A, §28, is  
27 repealed.

28 **Sec. 6. 22 MRSA §8402, sub-§3, ¶A**, as amended by PL 2019, c. 154, §10 and  
29 affected by §12 and amended by PL 2025, c. 316, §3, is further amended to read:

30 A. The department shall adopt rules regarding the health of staff as required to protect  
31 the health and safety of the children. ~~The rules must include a requirement that every~~  
32 ~~2-years each licensee, administrator or other staff member of the nursery school who~~  
33 ~~provides care for children be declared free from communicable disease by a licensed~~  
34 ~~physician, nurse practitioner or physician associate.~~ Rules adopted pursuant to this  
35 paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

## 36 SUMMARY

37 This bill updates the laws governing the licensing and investigation of facilities for  
38 children and adults by clarifying the requirements regarding confidential abuse and neglect  
39 investigation records, requiring the Department of Health and Human Services, instead of  
40 the State Fire Marshal or other public safety inspectors, to inspect specialized children's  
41 homes and removing requirements for interagency licensing of children's homes between

1 the Department of Health and Human Services and the Department of Education and for  
2 licensing of nursery schools. The bill also corrects a cross-reference.