

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

PORTLAND LITHOGRAPH COMPANY
PORTLAND, MAINE
1977

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
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ONE HUNDRED AND EIGHTH LEGISLATURE
1977

	1977-78	1978-79
SECRETARY OF STATE		
Personal Services	\$3,172	\$6,500
All Other	325	650
Capital	6,075	—
Total	\$9,572	\$7,150

Sec. 104. **Effective date.** The effective date of this Act shall be January 1, 1978.

Effective January 1, 1978

CHAPTER 527

AN ACT to Increase Payments to Foster Homes for Children and to Small Boarding Homes for Adults.

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

Sec. 1. 22 MRSA § 3802, sub-§ 1, ¶ A, as amended by PL 1977, c. 107, is further amended to read:

A. The foster home board care, when combined with any other resources as may be available to share the costs of the care payment, shall be at a rate which is at least equal to, but not less than, the rate in the following schedule:

For Care of A Child Who Is	Rate Per Month
Normal	\$120 \$132
Mildly Handicapped	140 154
Moderately Handicapped	160 176
Severely Handicapped	190 209

Sec. 2. 22 MRSA § 3802, sub-§ 1, ¶ C, as amended by PL 1977, c. 107, is further amended to read:

C. For boarding care in so-called private schools in an amount equal to 80% of audited unit cost up to \$175 per month, except where a child has unusual needs in an amount equal to 80% of audited cost up to \$300 per

~~month~~ based on actual expenditures in the most recent fiscal year. The total amount paid from all sources shall not exceed 100% of audited unit cost. Notwithstanding the other provisions of this paragraph, when placements in so-called private schools have been exhausted or are otherwise unavailable for any child, the commissioner is authorized to negotiate with other appropriate facilities, including private schools, for placement of the child on the basis of a flat-rate method of payment.

Sec. 3. Boarding care payments. Except as otherwise provided in the Revised Statutes, Title 22, section 7906, the Department of Human Services shall reimburse all boarding care facilities with 6 or fewer beds at a rate of at least \$200 per month.

Effective October 24, 1977

CHAPTER 528

AN ACT Relating to Guardianship of Incapacitated Adults in Need of Protective Services.

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

Sec. 1. 18 MRSA § 3639, 1st sentence, as enacted by PL 1973, c. 631, § 1, is amended to read:

The public guardian may be nominated and appointed as guardian of the person, ~~and~~ estate or both of those adults who have been determined under this subchapter to be incapacitated and in need of guardianship.

Sec. 2. 18 MRSA § 3642, 1st sentence, as repealed and replaced by PL 1975, c. 105, § 2, is amended to read:

Pursuant to its nomination the public guardian shall, or in its discretion in any other case may, petition for its appointment to act as guardian of the person ~~and~~, estate or both of an alleged incapacitated person by filing a written petition in the probate court for the county in which the alleged incapacitated person resides or in which his estate is located.

Sec. 3. 18 MRSA § 3642, sub-§ 1, as enacted by PL 1975, c. 105, § 2, is amended to read:

1. A detailed written guardianship plan which, **where relevant**, shall include but not be limited to the type of proposed living arrangement; how financial needs will be met; how medical and other remedial needs will be met; how social needs will be met; the plan for continuing contact with relatives and friends; and

Sec. 4. 18 MRSA § 3644, last ¶, as enacted by PL 1973, c. 631, § 1, is amended to read: