

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

AT THE

SECOND REGULAR SESSION

January 2, 1980 to April 3, 1980

AND AT THE

THIRD SPECIAL SESSION

May 22, 1980

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

K. J. Printing Co.
Augusta, Maine

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND NINTH LEGISLATURE
January 2, 1980 to April 3, 1980

CHAPTER 724
H. P. 1781 — L. D. 1892

AN ACT to Empower the Board of Trustees of the Maine Veterans Home to Borrow Funds and to Issue Bonds, Notes and Other Evidences of Indebtedness.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Maine Veterans Home is currently short of funds with which to contract for necessary services to the development of the project and if additional funds are not obtained, the development and construction of the home would be seriously injured, if not halted; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 37-A MRSA § 1404, as enacted by PL 1977, c. 562, § 1, is repealed and the following enacted in its place:

§ 1404. Administrator

The administrator shall be an honorably discharged war veteran and shall administer the home in accordance with the rules, regulations, guidelines and general policy as may be established by the board. He shall serve an indefinite term, but may be removed for cause by the board. His salary shall be set by the board. The administrator shall hire the necessary employees to operate the home and, whenever possible, shall give preference in hiring to war veterans. These employees shall not be deemed employees of the State.

Sec. 2. 37-A MRSA § 1407, as enacted by PL 1977, c. 562, § 1, is repealed.

Sec. 3. 37-A MRSA § 1407-A is enacted to read:

§ 1407-A. Public body corporate; powers

The Maine Veterans Home is a body corporate. In addition to any other powers granted by this chapter, the Maine Veterans Home shall have the power:

1. Contracts. To make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions under this chapter;

2. Acquire real or personal property. To acquire real or personal property, or

any interest therein including rights or easements, on either a temporary or long-term basis in the name of the home by gift, purchase, transfer, foreclosure, lease or otherwise; to hold, sell, assign, lease, rent, encumber, mortgage or otherwise dispose of any real or personal property, or any interest therein, or mortgage interest owned by it or in its control, custody or possession and to release or relinquish any right, title, claim, lien, interest, easement or demand however acquired, including threat of foreclosure;

3. Lease or rent. To lease or rent any lands, buildings, structures, facilities or equipment from or to private parties to effectuate the purposes of this chapter;

4. Procure insurance. To procure insurance against any loss in connection with its property and other assets in such amounts and from such insurers as it deems desirable;

5. Recieve bequests and donations. To receive, on behalf of the State, all bequests and donations that may be made to improve the general comfort and welfare of the members of the veterans home or for the betterment of the home;

6. Borrow funds. To borrow funds, not in excess of \$1,000,000 in the aggregate, to make and issue bonds, negotiate notes and other evidences of indebtedness or obligations of the veterans home for prudent and reasonable capital, operational and maintenance purposes. The home may secure payments of the obligations, or any part thereof, by pledge of any part of the revenues or assets of the home available for the pledge and which may be lawfully so pledged, or by mortgage of any part, or all, of any property owned by the home. The home may do all lawful things necessary and incidental to those powers. The home may borrow money from the Federal Government and agencies thereof and from state agencies and from any other source. The home may borrow money from the State subject to approval by the Treasurer of State and the Governor. Bonds, notes and other evidences of indebtedness issued under this subsection shall not be deemed to constitute debts of the State, nor a pledge of the credit of the State, but shall be payable solely from the funds of the home; and

7. Powers. To do any act necessary or convenient to exercise the powers granted or reasonably implied in this section.

Sec. 4. 37-A MRSA § 1409, as enacted by PL 1977, c. 562, § 1, is amended by adding at the end a new sentence to read:

Any funds received in excess of that necessary for the support and maintenance of the home, the capital reserve fund and funds necessary for retirement of any outstanding bonds or indebtedness as those payments become due shall lapse at the end of each fiscal year to the General Fund. The Department of Human Services shall not modify its principles of reimbursement for long-term care facilities, to specifically exclude reimbursement for the depreciation of the assets created with federal or state grants.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 2, 1980

CHAPTER 725
H. P. 1816 — L. D. 1927

AN ACT to Provide for Licensing and Regulation of Adult Foster Homes.

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

Sec. 1. 22 MRSA § 7901, sub-§ 3 is enacted to read:

3. Adult foster care facility. “Adult foster care facility” means a residence, other than a boarding care facility, operated for the purpose of providing boarding care to 4 or fewer residents.

Sec. 2. 22 MRSA § 7908 is enacted to read:

§ 7908. Approval by department; rules.

1. Approval required. No adult foster care facility may be eligible to receive state reimbursement without first being approved by the Department of Human Services.

2. Limitations on rules. Pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, the commissioner shall adopt reasonable rules to carry out the purposes of this section. These rules shall be limited to rules concerning admission policies, safety, sanitation and protection of civil rights. Rules adopted in 1980 shall expire on December 31, 1980.

Sec. 3. Transition provision. For the purposes of this Act, any adult foster care facility or boarding care facility which was approved or licensed on the day before the effective date of this Act shall continue to be approved or licensed after the effective date of this Act until its regular, temporary or conditional approval or license expires. After the expiration of that approval or license, any facility shall comply with this Act and the rules adopted hereunder.

Effective July 3, 1980