

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

**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
1981

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
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1981

CHAPTER 196

S. P. 551 — L. D. 1516

AN ACT to Facilitate the Development of More Placements in Boarding Homes that are Small, Homelike and Safe for Ambulatory and Mobile Nonambulatory Persons.

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

Sec. 1. 22 MRSA § 7901, sub-§§ 4, 5 and 6 are enacted to read:

4. **Mobile nonambulatory.** As used in this chapter, “mobile nonambulatory” means a resident of a boarding care facility who is certified by a physician or psychologist as being unable to walk without assistance, but able to move from place to place with the use of a device, such as a walker, crutches, wheelchair or wheeled platform.

5. **Physician.** As used in this chapter, “physician” means any person who is licensed in this State to practice medicine or osteopathy and who has had specialized training or at least one year of experience in treating persons with conditions similar to the conditions of the resident being certified pursuant to section 7904. No physician who certifies or recertifies a resident may be in the regular employ of or may have a financial interest in the boarding care facility in which the resident resides.

6. **Psychologist.** As used in this chapter, “psychologist” means any person who is licensed in this State as a psychologist or psychological examiner and who has had specialized training or at least one year of experience in providing services to persons with conditions similar to the conditions of the resident being certified pursuant to section 7904. No psychologist who certifies a resident may be in the regular employ of or may have a financial interest in the boarding care facility in which the resident resides.

Sec. 2. 22 MRSA § 7904, sub-§ 3, as amended by PL 1975, c. 770, § 94, is repealed and the following enacted in its place:

3. **Requirements for facilities with more than 6 but fewer than 16 beds.** Notwithstanding any provision referred to under Title 25, section 2452, the department may permit any boarding care facility which has a capacity of more than 6 but fewer than 16 beds to comply with applicable fire safety provisions of the lodging and rooming house section, instead of the institutional occupancies section, of the Life Safety Code which has been adopted by the State Fire Marshal, if the following conditions are met.

A. Any building of 2 or more stories shall be equipped with an approved automatic sprinkler system, unless the building is of fire resistive or protected noncombustible construction as defined in the current edition of the National Fire Protection Association's Standard Types of Building Construction.

B. Automatic emergency lights shall be provided in such number and location as required by the State Fire Marshal.

C. The residents of the facility shall be certified annually by a physician or a psychologist as ambulatory and capable of following directions and taking appropriate action for self-preservation under emergency conditions.

D. Any local regulations which affect the life-safety requirements of the facility and which are more stringent than those referred to in this subsection shall take precedence.

Sec. 3. 22 MRSA § 7904, sub-§ 4 is enacted to read:

4. Requirements affecting mobile nonambulatory residents. Notwithstanding any provision referred to under Title 25, section 2452, the Department of Human Services may permit a boarding care facility, which has 8 or fewer beds and which has or intends to have residents who are mobile nonambulatory, to comply with provisions of the Life Safety Code, other than provisions under the institutional occupancy section, which have been adopted by the State Fire Marshal, provided that the following conditions are met.

A. If the facility has 6 or fewer beds, it shall comply with the lodging and rooming house section of the Life Safety Code.

B. If the facility has 7 or 8 beds, it shall comply with the lodging and rooming house section of the Life Safety Code; shall be equipped with automatic emergency lights in such number and location as required by the State Fire Marshal; and, if there is a building of 2 or more stories, shall be equipped with an approved automatic sprinkler system, unless the building is of fire resistive or protected noncombustible construction, as defined in the National Fire Protection Association's Standard Types of Building Construction.

C. Each resident of the facility shall be certified at least annually by a physician or psychologist as being ambulatory or mobile nonambulatory and capable of following directions and taking appropriate action for self-preservation under emergency conditions. If the resident has been certified as mobile nonambulatory, he shall be examined and recertified by a physician once every 6 months. If the administrator of the facility believes or suspects that a resident is no longer capable of following directions and taking action for self-preservation under emergency conditions, he shall notify the Department of Mental Health and Corrections, if the resident is mentally ill or mentally retarded or has related conditions, or shall notify the Department of Human Services if the resident is elderly, physically disabled or an adult protective

services' client, or has conditions not related to mental illness or mental retardation.

D. No more than 2 of the beds in the facility may be for mobile nonambulatory residents.

E. All mobile nonambulatory residents shall be housed on the first floor of the facility with direct egress to a common corridor with 2 exits leading directly to the exterior of the facility.

F. The facility shall be ramped to grade at both exits referred to in paragraph E.

G. There shall be at least one staff person available on the premises of the facility when any resident is present.

H. If the facility is of new construction, any doorway in the path of egress for a mobile nonambulatory resident shall be at least 36 inches in width. If the facility is of existing construction, any doorway in the path of egress for a mobile nonambulatory resident shall be at least 34 inches in width.

I. If the facility has mobile nonambulatory residents who are mentally ill or mentally retarded or who have related conditions, the facility shall be certified by the Department of Mental Health and Corrections as being able to ensure the safety of and provide services to such residents. If the facility has mobile nonambulatory residents who are elderly, physically disabled or adult protective services' clients, or have conditions not related to mental illness or mental retardation, the facility shall be certified by the Department of Human Services as being able to ensure the safety of and provide services to such residents.

J. Any local regulations which affect the life-safety requirements of a facility and which are more stringent than those referred to in this subsection shall take precedence.

Sec. 4. 22 MRSA § 7909 is enacted to read:

§ 7909. Residents' records

Whenever there are pertinent and available health and other records about a person who seeks admission as a resident to a boarding care facility, those records shall be provided to the administrator of the facility at least 7 days prior to the date of admission, unless there are compelling reasons which make this impossible or impractical. If there are compelling reasons, including, but not limited to, emergency situations, the administrator shall receive, by not later than the date of admission, a written note which:

1. Reasons explained. Explains the compelling reasons why the records could not be provided 7 days prior to the date of admission; and

2. When records will be provided. If the records have not yet been received, shall state by when the records will be provided.

Nothing in this section may be construed to mean that a resident who is not a client of the Department of Human Services or the Department of Mental Health and Corrections shall be required, as a condition of admission, to provide records to the administrator of the facility.

Effective September 18, 1981

CHAPTER 197

H. P. 309 — L. D. 341

AN ACT to Control Brucellosis in Cattle.

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

Sec. 1. 7 MRSA § 1807, as amended by PL 1973, c. 42, § 1, is further amended to read:

§ 1807. Illegal vaccinations

It shall be illegal for any person, partnership, association or corporation to vaccinate any cattle with brucellosis vaccine when such cattle are less than ~~90~~ 120 or more than ~~179~~ 240 days of age, unless special written permission is received from the commissioner or his agent previous to any such vaccination.

Sec. 2. 7 MRSA § 1812, as last amended by PL 1977, c. 694, § 127, is further amended to read:

§ 1812. Brucellosis

The commissioner shall, in a manner consistent with the Maine Administrative Procedure Act, Title 5, chapter 375, formulate and implement rules, regulations and methods of procedure generally adopted for the prevention, control and eradication of brucellosis.

All female cattle born in the State after January 1, 1982, and all female cattle born after January 1, 1982 brought into the State under 120 days of age that are not officially vaccinated, shall be vaccinated against brucellosis between the ages of 120 and 240 days if they are to be sold for purposes other than immediate slaughter. This shall not be construed to prohibit the sale of any female calf under the age of 120 days.