

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWELFTH LEGISLATURE

SECOND REGULAR SESSION
January 8, 1986 to April 16, 1986

SECOND SPECIAL SESSION
May 28, 1986 to May 30, 1986

AND AT THE

THIRD SPECIAL SESSION
October 17, 1986

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND TWELFTH LEGISLATURE
1985

CHAPTER 706

S.P. 885 - L.D. 2230

AN ACT to Authorize Temporary Licenses to Operate Family Foster Homes.

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

Sec. 1. 22 MRSA §7802, sub-§1, ¶D is enacted to read:

D. A temporary license to operate a family foster home may be issued on a one-time basis when a preliminary evaluation of the home by the department has determined that the applicants are capable of providing foster care, in accordance with applicable laws and rules relating to minimum standards of health, safety and well-being, except that it is not possible to obtain a fire safety inspection in accordance with section 8103 prior to licensure and there are no obvious fire safety violations and, in the judgment of the commissioner, the best interest of the public will be so served by issuing a temporary license.

Sec. 2. 22 MRSA §7802, sub-§2, ¶C-1 is enacted to read:

C-1. The term of a temporary family foster home license shall be for a specific period not to exceed 120 days.

Sec. 3. 22 MRSA §7802, sub-§3, ¶B, as enacted by PL 1983, c. 386, §2, is amended to read:

B. If, at the expiration of a full or provisional license or approval, at the expiration of a temporary family foster home license or during the term of a full license or approval, the facility fails to comply with applicable law and rules and, in the judgment of the commissioner, the best interest of the public would be served, the department may issue a conditional license or approval, or change a full license or approval to a conditional license or approval. Failure by the conditional licensee to meet the conditions specified by the department shall permit the department to void the conditional license or approval or refuse to issue a full license or approval. The conditional license or approval shall be void when the department has delivered

in hand or by certified mail a written notice to the licensee or, if the licensee cannot be reached for service in hand or by certified mail, has left written notice thereof at the agency or facility. For the purposes of this subsection the term "licensee" means the person, firm, corporation or association to whom a conditional license or approval has been issued.

Sec. 4. 22 MRSA §7802, sub-§4, ¶¶C and D, as enacted by PL 1983, c. 386, §2, are amended to read:

C. Revocation or suspension of a full license or approval; ~~or~~

D. Refusal to issue a provisional license or approval; or

Sec. 5. 22 MRSA §7802, sub-§4, ¶E is enacted to read:

E. Expiration of a temporary family foster home license.

Sec. 6. 22 MRSA §7802, sub-§5, ¶D, as repealed and replaced by PL 1983, c. 386, §2, is amended to read:

D. Refuse to issue or renew a full license or approval; ~~or~~

Sec. 7. 22 MRSA §7802, sub-§5, ¶E, as amended by PL 1983, c. 602, §4, is further amended to read:

E. Refuse to issue a provisional license or approval; or

Sec. 8. 22 MRSA §7802, sub-§5, ¶F is enacted to read:

F. Refuse to issue a temporary family foster home license.

Sec. 9. 22 MRSA §8103, as enacted by PL 1975, c. 719, §6, is repealed and the following enacted in its place:

§8103. Fire safety; exceptions

1. Procedures. All procedures and other provisions included in section 7904, subsections 1 and 2, for boarding care facilities shall also apply to children's homes, except that the written statement

referred to in section 7904, subsection 1, need not be furnished annually by the State Fire Marshal to the department when a children's home serves only one or 2 children.

2. Temporary license. The department may issue a temporary license to operate a family foster home, as defined by section 8101, subsection 3, without complying with subsection 1, prior to issuing the license, provided that a preliminary evaluation of the home reveals no obvious fire safety violations.

Sec. 10. 22 MRSA §8107, sub-§2, as enacted by PL 1983, c. 629, §2, is amended to read:

2. Handicapped; placement. The definitions used shall not preclude the department from placing a moderately to severely handicapped child in any appropriate child care facility at the department's discretion, subject to the limitations on the number of children specified in section 8101, subsections 1 and 3.

Effective July 16, 1986.

CHAPTER 707

S.P. 936 - L.D. 2345

AN ACT to Establish a Piscataquis County Budget Committee.

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

30 MRSA c. 10-A is enacted to read:

CHAPTER 10-A

PISCATAQUIS COUNTY BUDGET COMMITTEE

§1421. Purpose

The purpose of this chapter is to establish in Piscataquis County a method of appropriating money for county expenditures, including expenditures for municipal services in the unorganized territory, according to a budget, which shall first be reviewed by a budget committee and shall then be approved by the Legislature. This chapter amends the present statuto-