

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

STATE OF MAINE

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contract or agreement for which commission approval is required under section 3132 or 3133 or to any contract with a cogenerator or small power producer as defined by section 3303. This section applies to contracts or agreements which take effect on or after the effective date of this section.

4. Filing fee. A utility or utilities filing a petition under this section shall pay to the Public Utilities Commission at the time of filing an amount equal to 2/100 of 1% of the estimated cost of the contract or agreement. The utility or utilities, at or before the time of filing of notice of its intent to file the petition, may request the commission to waive all or a portion of the filing fee as unnecessary to help defray the cost of review. The commission shall rule on the request for waiver within 60 days.

Notwithstanding this Title, filing fees paid as required in this subsection shall be segregated, apportioned and expended by the commission for the purposes of this section. Any portion of the filing fee that is received from a utility or utilities and is not expended by the commission to process the petition for a certificate of public convenience and necessity shall be returned to the utility or utilities.

5. Amendments, extensions and renewals. This section applies to any amendment, extension or renewal of any significant agreement or contract subject to this section for which the original contract was subject to approval by the commission.

A. The commission may waive the approval requirements of this section with respect to a particular agreement or group of agreements upon request by the utility. The commission may also waive the 2-month notice requirement in subsection 1. If the commission does not respond to a request for waiver within 30 days, the request shall be deemed to have been granted. The commission shall prescribe by rule the content of a request for waiver in certain circumstances.

B. For any amendment, extension or renewal of any contract otherwise subject to this section for which the original contract was not subject to approval by the commission, the utility shall file a copy of the proposed amendment, extension or renewal with the commission within 7 days of the day when the utility receives notice of the proposal, but approval is not required under this section.

Effective September 29, 1987.

CHAPTER 388

H.P. 1301 — L.D. 1780

AN ACT to Clarify the Authority of the Superintendent of Insurance to Assign Risks for Workers' Compensation Insurance.

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

Sec. 1. 24-A MRSA §2350, sub-§1, ¶H is enacted to read:

H. The superintendent may make assignments of specific insureds to specific insurers required to participate in the accident prevention account.

Sec. 2. 24-A MRSA §2350, sub-§2, ¶H is enacted to read:

H. The superintendent may make assignments of specific insureds to specific insurers required to participate in the safety pool.

Effective September 29, 1987.

CHAPTER 389

H.P. 1304 — L.D. 1783

AN ACT to Require Licensing of Adult Day Care Services in Maine.

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

Sec. 1. 22 MRSA §7702, as amended by PL 1983, c. 691, §1, is further amended to read:

§7702. Violation; penalty

Whoever violates any provision of this subtitle shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both, except that anyone violating sections 7703 and 8305 and 8603 shall be punished only by a fine of not more than \$500.

Sec. 2. 22 MRSA §7801, sub-§1, ¶E, as repealed and replaced by PL 1983, c. 386, §1, is amended to read:

E. A day care facility; or

Sec. 3. 22 MRSA §7801, sub-§1, ¶F, as enacted by PL 1983, c. 386, §1, is amended to read:

F. A nursery school; ; or

Sec. 4. 22 MRSA §7801, sub-§1, ¶G is enacted to read:

G. An adult day care program.

Sec. 5. 22 MRSA c. 1679 is enacted to read:

CHAPTER 1679

ADULT DAY CARE PROGRAM

§8601. Definition

As used in this subtitle, the term "adult day care program" means a program of care, activities and protection maintained or carried out on a regular basis by a person or combination of persons in a private dwelling or other facility, for consideration, for any part of a day for 3 or more adults, 19 years of age or older, who are not blood relatives and are coming to the facility for the express purpose of participating in this program.

The term does not include:

- 1. Adult program. Any program for adults provided by a licensed residential facility; or
- 2. Any day activity program. Any day activity program licensed by the Department Mental Health and Mental Retardation.

§8602. Rules

The Department of Human Services, in consultation with adult day care providers and the Maine Committee on Aging, shall promulgate rules for adult day care programs which shall include, but not be limited to, rules pertaining to the health and safety of the adult clients and staff, the quality of the program provided, the administration of medication and licensing procedures.

Different standards may be developed for different types of adult day care programs with differences based on number of participants or other factors affecting programming.

§8603. License

Beginning on July 1, 1988, no person or combination of persons may operate an adult day care program in this State without having obtained a license to operate an adult day care program from the Department of Human Services.

§8604. Fee for license

The department shall charge a reasonable fee for a license. There may be differential fees charged to programs based on numbers of participants, type of license or other considerations.

§8605. Fire safety

1. Inspection required. No license may be issued by the department for an adult day care program until the department has received from the State Fire Marshal a written statement signed by one of the officials designated under Title 25, section 2360, 2391 or 2392 to make fire safety inspections. This statement, which shall indicate that a facility has complied with the applicable fire safety provisions referred to in subsection 2 and Title 25, section 2452, shall be furnished annually by the State Fire Marshal to the department.

2. Life safety code. The written statement which shall be furnished annually by the State Fire Marshal to the department shall indicate that the adult day care program has complied with at least the requirements of the Life Safety Code of the National Fire Protection Association as adopted by the State Fire Marshal which are specified in:

- A. The family day care homes section, if the adult day care program has no more than 6 adults per session;
- B. The group day care homes section, if the adult day care program has at least 7 but no more than 12 adults per session; or
- C. The child day care section, if the adult day care program has more than 13 adults per session.

3. Fees. The department shall establish and pay reasonable fees to the State Fire Marshal or municipal official for each such inspection.

Sec. 6. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1988-89

HUMAN SERVICES, DEPARTMENT OF

Bureau of Maine's Elderly

All Other

\$350

Effective September 29, 1987.

CHAPTER 390

S.P. 458 — L.D. 1402

AN ACT to Prevent Abuse of Handicapped Parking Spaces.

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

Sec. 1. 5 MRSA §4593, sub-§1, ¶E is enacted to read:

E. There shall be parking spaces designated for handicapped persons set aside in adequate number and clearly marked for use only by the handicapped. Set aside in adequate number means that, for every 25 parking spaces made available to the public on a public or private parking lot, at least one of those spaces shall be made available in an appropriate location for handicapped parking exclusively.

Sec. 2. 5 MRSA §4594, sub-§2, ¶¶C and D, as enacted by PL 1981, c. 334, §3, are amended to read:

C. 4.17 Toilet Stalls; and