

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

AS PASSED AT THE
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§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

D. 4.29.3 Tactile Warnings on doors to Hazardous Areas; and

Sec. 3. 5 MRSA §4594, sub-§2, ¶E is enacted to read:

E. Handicapped parking spaces in adequate number, pursuant to section 4593, subsection 1, paragraph E.

Sec. 4. 5 MRSA §4594-A, sub-§2, ¶B, as enacted by PL 1983, c. 437, §5, is amended to read:

B. Plans to reconstruct, remodel or enlarge an existing place of public accommodation, when the estimated total cost exceeds \$150,000, shall be subject to this section when the proposed reconstruction, remodeling or enlargement will substantially affect that portion of the building normally accessible to the public.

Facilities subject to this section which are remodeled, enlarged or renovated on or after January 1, 1984, shall meet the requirements of the following 4 parts of the 1981 standards of construction adopted pursuant to Title 25, chapter 331:

- (1) 4.3 accessible route;
- (2) 4.13 doors;
- (3) 4.17 toilet stalls; and
- (4) 4.29.3 tactile warnings on doors to hazardous areas; and
- (5) Handicapped parking spaces in adequate number, pursuant to section 4593, subsection 1, paragraph E.

Sec. 5. 30 MRSA §2151, sub-§2, ¶K, as amended by PL 1983, c. 337, §2, is further amended to read:

K. Providing for the establishment and policing of parking spaces designated for handicapped persons. A municipality with off-street public parking areas may set aside an adequate number of these spaces for use by handicapped persons. A municipality with on-street public parking spaces may set aside an adequate number of these spaces in appropriate locations for use by handicapped persons. The municipality may post any of the signs authorized by this paragraph adjacent to and visible from each handicapped parking space. One sign shall consist of a profile view of a wheelchair with an occupant in white on a blue background with a printed inscription. The inscription shall read: "Handicapped Parking: Special Plate Required. Unauthorized vehicles are subject to a fine." The other signs authorized under this paragraph and which may be posted in lieu of the first sign shall consist of a profile view of a wheelchair with an occupant in white on a blue background which may bear an inscription. Any new sign erected or any sign replaced after the effective date of this paragraph shall conform to the signs authorized by this paragraph. Any ex-

isting posted signs that do not conform to the provisions of this paragraph and which were erected prior to the effective date of this paragraph shall be deemed to be valid for enforcement purposes. Any vehicle parked in a clearly marked parking space designated by a municipality as a handicapped parking space that does not bear a special registration plate or placard issued under Title 29, section 252, or a similar plate issued by another state, shall be cited for a penalty ~~not to exceed \$25~~ of not less than \$50 unless otherwise established by local ordinance. Owners of private off-street parking ~~may shall arrange for private enforcement or shall enter into agreements with local or county law enforcement agencies for the policing of stalls and spaces dedicated for handicapped persons' vehicles, under which agreements unauthorized vehicles shall be tagged. Where service facilities are established on the Maine Turnpike and on the interstate highway system in Maine, the State Police shall enforce this subsection. "Clearly marked" includes painted signs on pavement, vertical standing signs or barriers which are visible in existing weather conditions.~~

Under such agreements public law enforcement officials may exercise their vested authority to ensure that parking spaces designated for the handicapped are utilized appropriately by handicapped persons, irrespective of whether the designated handicapped parking spaces are located on public or private lots open to the public.

Effective September 29, 1987.

CHAPTER 391

H.P. 1318 — L.D. 1802

AN ACT to Revise the Salaries of Certain County Officers.

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

Whereas, it has become necessary to revise the salaries of certain county officials; and

Whereas, it is desired to have these revisions retroactive to January 1, 1987; 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:

30 MRSA §2, sub-§1, as repealed and replaced by PL