

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
OCTOBER 9, 1991

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

---

---

J.S. McCarthy Company  
Augusta, Maine  
1991

---

---

**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

---

---

library patron relative to the patron's use of books or other materials at the library, ~~shall be~~ are confidential. Those records may only be released with the express written permission of the patron involved or as the result of a court order.

See title page for effective date.

## CHAPTER 68

S.P. 277 - L.D. 736

### An Act to Amend the Laws Concerning the Aeronautical Functions Investigation

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

**6 MRSA §17, sub-§7**, as enacted by PL 1977, c. 678, §30, is amended to read:

**7. Investigation.** ~~Investigate all~~ Assist the National Transportation Safety Board as needed in the investigation of aircraft accidents and incidents ~~within~~ in the State;

See title page for effective date.

## CHAPTER 69

S.P. 269 - L.D. 728

### An Act Pertaining to the Licensing of Boarding Care Facilities

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

**Sec. 1. 22 MRSA §7802, sub-§2, ¶B**, as amended by PL 1983, c. 602, §1, is further amended to read:

B. The terms of full licenses or approvals ~~shall be~~ are as follows.

(1) Except as provided in subparagraphs (2) and (3), the term of all full licenses and approvals issued pursuant to this chapter ~~shall be~~ is for one year or the remaining period of a conditional or provisional license that has been issued for less than one year.

(2) The term of a residential child care facility license ~~shall be~~ is for 2 years.

(3) The term of a drug treatment center license may be for either one or 2 years.

**Sec. 2. 22 MRSA §7905, sub-§1**, as amended by PL 1985, c. 770, §11, is further amended to read:

**1. Permission to manage personal funds.** No operator or agent of any boarding care facility ~~shall~~ may manage, hold or deposit in a financial institution the personal funds of any resident of the facility, unless the operator or agent has received written permission therefor from:

A. The resident, if the resident ~~is not mentally retarded and~~ has no guardian, trustee or conservator;

B. The resident's guardian, trustee or conservator, if ~~such~~ that person exists and can be reached; or

C. The department, if a guardian, trustee or conservator exists, but ~~cannot~~ can not be reached, ~~or, in the case of a mentally retarded resident, if such resident has no guardian, trustee or conservator.~~

~~Whenever the department gives written permission to an operator or agent to manage, hold or deposit the personal funds of any mentally retarded residents, the department may request the Bureau of Mental Retardation, Department of Mental Health and Mental Retardation, to develop, insofar as resources are available, an appropriate plan for the management of these funds.~~

**Sec. 3. 22 MRSA §7905, sub-§3**, as enacted by PL 1975, c. 719, §6, is amended to read:

**3. Depositing personal funds.** The department may require an operator or agent of a boarding care facility to deposit in a financial institution the personal funds of a resident, ~~if: the resident has a guardian, trustee or conservator who can not be reached.~~

~~A. The resident has a guardian, trustee or conservator who cannot be reached; or,~~

~~B. In the case of a mentally retarded resident, the resident has no guardian, trustee or conservator.~~

**Sec. 4. 22 MRSA §7922, sub-§1**, as enacted by PL 1981, c. 445, is amended to read:

**1. Long-term care facility.** "Long-term care facility" means any boarding ~~care facility~~ home licensed pursuant to chapters 1663 and 1665, and any skilled nursing or intermediate care facility or unit licensed pursuant to chapter 405.

**Sec. 5. 22 MRSA §7923, sub-§§1 and 3**, as enacted by PL 1981, c. 445, are amended to read:

**1. Establishment; composition.** Each long-term care facility of ~~7 or more beds~~ shall inform residents of their right to establish a council. This information ~~shall~~ must be given to all residents and a family member or designated representative for those residents on admission and ~~shall~~ must be posted prominently in the facility.

The administrator shall assist residents in establishing a residents' council, if the residents choose to establish one. If there