

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 1998 to June 19, 1999**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 18, 1999**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1999**

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

Sec. 1. 22 MRSA §4062, sub-§4 is enacted to read:

4. Kinship preference. In the residential placement of a child, the department shall consider giving preference to an adult relative over a nonrelated caregiver when determining placement for a child, as long as the related caregiver meets all relevant state child protection standards.

See title page for effective date.

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## CHAPTER 383

S.P. 433 - L.D. 1270

### An Act to Provide Child Care Subsidies for Families Who Lose Coverage under the Temporary Assistance to Needy Families Program

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

Sec. 1. 22 MRSA §3762, sub-§8, ¶C, as enacted by PL 1997, c. 530, Pt. A, §16, is amended to read:

C. The department shall make available transitional child care services to families who lose eligibility for TANF as a result of increased earnings or an increase in the number of hours worked and whose gross income is equal to or less than 85% of the State's median income for a family of comparable size. The department may also make transitional child care services available to families in which one or both adults are working and who, although they remain financially eligible for TANF benefits, request that their benefits be terminated. The family shall pay a premium of 2% to 10% of gross income, based on the family's gross income compared to the federal poverty level in accordance with rules adopted by the department. The department shall establish maximum rates for child care that are at least equal to the 75th percentile of local market rates for various categories of child care and higher rates for children with special needs. Parents must have a choice of child care within the rate established by the department.

See title page for effective date.

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## CHAPTER 384

H.P. 1410 - L.D. 2015

### An Act to Amend the Health Care Receivership Laws

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

Sec. 1. 22 MRSA §7912-A, sub-§§1 and 2, as amended by PL 1997, c. 728, §11, are further amended to read:

1. **General requirements.** The Department of Human Services may permit up to 2 beds in the facility for nonambulatory or mobile nonambulatory residents if the following conditions are met.

A. The facility conforms to the residential board and care occupancy section for small facilities of the National Fire Protection Association Life Safety Code, ~~chapter 21~~, as adopted by the Commissioner of Public Safety. If there is Facilities with 5 or more beds must be provided with an interconnected smoke detection system and a direct exit from the bedroom, the requirement for construction type or a sprinkler system may be waived must be protected throughout by an approved automatic sprinkler system.

B. There are no more than 2 mobile nonambulatory or one nonambulatory and one mobile nonambulatory residents. Any facility housing more than one nonambulatory resident must meet the requirements of subsection 2.

C. All nonambulatory and mobile nonambulatory residents must 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.~~

D. Facilities ~~with 7 or 8 beds must be ramped to grade at both exits referred to in paragraph C. Facilities with 6 or fewer beds must be ramped to grade at one exit. Facilities with 6 or fewer beds with a nonambulatory resident must be ramped to grade at both exits.~~

E. There must be at least one staff person available on the premises of the facility when any resident is present. Additional staff may be required at night at the direction of the Commissioner of Public Safety.

F. ~~If a facility with 7 or 8 beds is of new construction, any doorway in the path of egress for a nonambulatory or mobile nonambulatory resident must be at least 36 inches in width. If the facility is of existing construction, any doorway~~