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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
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J.S. McCarthy Company
Augusta, Maine
2002

CHAPTER 596

H.P. 1697 - L.D. 2195

**An Act to Implement the
Recommendations of the Commission
to Study Assisted Living**

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

PART A

Sec. A-1. 22 MRSA c. 1664 is enacted to
read:

CHAPTER 1664**ASSISTED HOUSING PROGRAMS****§7851. Assisted housing programs**

Assisted housing programs are authorized under this chapter in the following settings and subject to the following standards and licensure requirements.

1. Standards. Assisted housing programs further the independence of the resident and respect the privacy and personal choices of the resident, including the choice to continue to reside at home for so long as the assisted housing program, as it is fundamentally designed, is able to meet the needs of the resident. Assisted housing programs provided to residents must be consumer oriented and meet professional standards of quality.

2. Settings. Assisted housing programs may be provided in the following settings:

A. Independent housing with services programs, as defined in section 7852, subsection 6;

B. Assisted living programs, as defined in section 7852, subsection 4; or

C. Residential care facilities, as defined in section 7852, subsection 14.

3. Licensure requirements. Independent housing with services programs are not subject to licensure. Licensure of assisted living programs is governed by section 7801, subsection 1. Licensure of residential care facilities is governed by section 7801, subsections 1 and 3.

§7852. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Activities of daily living. "Activities of daily living" means tasks routinely performed by a person to maintain bodily functions, including bed mobility, transfers, locomotion, dressing, eating, toileting, bathing and personal hygiene.

2. Assisted housing program. "Assisted housing program" means an independent housing with services program, an assisted living program or a program of housing and services provided by a residential care facility.

3. Assisted housing services. "Assisted housing services" means the provision by an assisted housing program of housing, assistance with activities of daily living and instrumental activities of daily living, personal supervision, protection from environmental hazards, meals, diet care, care management and diversional or motivational activities.

4. Assisted living program. "Assisted living program" means a program of assisted living services provided to residents in private apartments in buildings that include a common dining area, either directly by the provider or indirectly through contracts with persons, entities or agencies.

5. Assisted living services. "Assisted living services" means the provision by an assisted housing program, either directly by the provider or indirectly through contracts with persons, entities or agencies, of assisted housing services with the addition of medication administration or medication administration and nursing services.

6. Independent housing with services program. "Independent housing with services program" means a program of assisted housing services provided to residents in private apartments in buildings that include a common dining area, either directly by the provider or indirectly through contracts with persons, entities or agencies.

7. Instrumental activities of daily living. "Instrumental activities of daily living" includes, but is not limited to, preparing or receiving of a main meal, taking medication, using the telephone, handling finances, banking, shopping, routine housework, laundry and getting to appointments.

8. Life Safety Code. "Life Safety Code" means the current edition of the National Fire Protection Association Life Safety Code 101.

9. Long-term care facility. "Long-term care facility" means any assisted housing program licensed pursuant to chapter 1663 or this chapter and any nursing facility or unit licensed pursuant to chapter 405.

10. Mobile nonambulatory. "Mobile nonambulatory," as applied to a resident of a residential care facility with 6 or fewer beds, means being able to transfer independently and able to evacuate a facility in less than 2 1/2 minutes with the assistance of another person throughout the evacuation procedure.

11. Nursing services. "Nursing services" means services provided by professional nurses defined in Title 32, section 2102, subsection 2. "Nursing services" includes coordination and oversight of resident care services provided by unlicensed health care assistive personnel in assisted living programs.

12. Private apartment. "Private apartment" means a private dwelling unit with an individual bedroom, an individual bathroom and an individual food preparation area.

13. Resident. "Resident" means any person 18 years of age or older who is not related by blood or marriage to the owner or person in charge of the facility or building in which the resident lives and who receives assisted housing services.

14. Residential care facility. "Residential care facility" means a house or other place that, for consideration, is maintained wholly or partly for the purpose of providing residents with assisted living services. Residential care facilities provide housing and services to residents in private or semi-private bedrooms in buildings with common living areas and dining areas. "Residential care facility" does not include a licensed nursing home or a supported living arrangement certified by the Department of Behavioral and Developmental Services.

§7853. Rules

The commissioner shall adopt rules for assisted housing programs. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

1. Consultation. The rules must be developed in consultation with the long-term care ombudsman program established pursuant to section 5106, subsection 11-C, consumer representatives and providers of the type of assisted housing program to which the rules will apply.

2. Subject matter. The rules must include, but are not limited to, administration, quality of care and treatment, if applicable, level and qualifications of staff, rights of residents, contracts, administration of medication, available public and private sources of payment, health and safety of residents and staff, community relations and licensing procedures.

3. Administration of medication rules. In adopting the rules for administration of medication,

the commissioner shall consider, among other factors, the general health of the persons likely to receive medication and the numbers of persons served and employed by the assisted housing program facility. The department may require unlicensed personnel to have successfully completed a program of training and instruction, approved by the department for the administration of medication, that is not limited to in-service training.

4. Residential care rules. The commissioner shall adopt rules for the various levels of residential care facilities. In addition to the subject matter of the rules listed in subsection 2, the rules must include criteria for placement of residents who qualify for services as minors, as adults and as persons with disabilities.

5. Independent housing with services program and assisted living program rules. The commissioner shall adopt rules for independent housing with services programs and assisted living programs. In addition to the subject matter of rules listed in subsection 2, the rules must recognize and promote the efficiencies inherent in providing services in the applicable setting with respect to staffing and other responsibilities, while ensuring quality of care and safety. The rules must set requirements and standards for services rendered in the applicable settings that recognize the differences between those settings and private homes served pursuant to chapter 419. The rules must permit staff in assisted housing programs to be shared in accordance with section 1812-C, subsection 6-A and section 7914.

6. Applicability of residents' rights rules. Any rules adopted pursuant to this section pertaining to residents' rights are applicable to independent housing with services programs and assisted living programs.

§7854. Fees for licensure

The department shall charge annual fees for licensure of residential care facilities and assisted living programs as follows:

1. Fees for residential care facility. Ten dollars per licensed bed for a residential care facility; and

2. Fees for assisted living programs. Two hundred dollars for an assisted living program.

§7855. Fire safety inspection for residential care facilities

1. Inspection required. A license may not be issued by the department to a residential care facility until the department has received from the Commissioner of Public Safety 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 must indicate that the residential care facility has complied with applicable fire safety provisions referred to in Title 25, section 2452.

2. Fees. The department shall establish and pay reasonable fees to the Commissioner of Public Safety or a municipal official for each inspection under subsection 1.

3. Local regulations. A local regulation that affects the life-safety requirements of a residential care facility and that is more stringent than those referred to in this section takes precedence.

4. Requirements for residential care facilities. Residential care facilities must comply with the following provisions of the National Fire Protection Association Life Safety Code adopted by the Department of Public Safety, Office of the State Fire Marshal.

A. A residential care facility that has one to 3 beds must comply with the one-family and 2-family dwelling chapter of the Life Safety Code.

B. A residential care facility with 4 to 16 beds must comply with the sections of the Life Safety Code that apply to small facilities and with the new residential board and care occupancy chapter if that facility is a new facility or with the existing residential board and care occupancy chapter if that facility is an existing facility.

C. A residential care facility with more than 16 beds must comply with the sections of the Life Safety Code that apply to large facilities and with the new residential board and care occupancy chapter if that facility is a new facility or with the existing residential board and care occupancy chapter if that facility is an existing facility.

5. Fire safety inspection and certificate of compliance required for licensure. A fire safety inspection must be performed and a certificate of compliance must be provided to the department before a license to a residential care facility is issued. Inspections must be scheduled to coincide with the term of the license.

6. Timed drills. Timed drills, as described in the applicable chapters of the National Fire Protection Association Life Safety Code, must be used to determine a residential care facility's capability to evacuate its residents, unless the facility has elected to complete evacuation scores in lieu of timed drills in accordance with the standards described in the National Fire Protection Association Life Safety Code 101A or when timed drills are not required pursuant to the Life Safety Code. When a new resident has participated in a timed drill in another residential care

facility within the previous 2 months, the results of that drill may be used to determine evacuation capability in the resident's new facility for a period of up to 4 months. A person who violates or fails to comply with this subsection commits a civil violation for which a forfeiture of not more than \$25 per bed for each occurrence of failure to comply may be adjudged.

7. Requirement for manual fire alarm activation may be waived. For a residential care facility with 4 to 8 beds, the requirement for manual fire alarm activation may be waived at the discretion of the Commissioner of Public Safety.

§7856. Fire safety inspection for assisted living programs

In accordance with this section, the department shall adopt rules pursuant to Title 5, chapter 375 for the inspection of assisted living programs as defined in section 7852, subsection 4, by the Commissioner of Public Safety or the commissioner's designee and the fees for that inspection. Rules regarding fees adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

1. Permits; inspection. Construction and renovation of assisted living programs require a construction permit from the Commissioner of Public Safety. Prior to licensure all assisted living programs must be inspected by the Commissioner of Public Safety or the commissioner's designee at the request of the department. All assisted living programs must be inspected upon performing renovations and must be reinspected every 2 years.

2. Certificate of compliance. The Commissioner of Public Safety shall issue a certificate of compliance with the provisions of this section to the department.

3. Requirements. All assisted living programs must be inspected using the chapter pertaining to new apartment buildings of the National Fire Protection Association Life Safety Code adopted by the Department of Public Safety, Office of the State Fire Marshal and must be protected throughout by a supervised, automatic sprinkler system approved by the Commissioner of Public Safety.

§7857. Personal funds of residents

1. Permission to manage personal funds. An operator or agent of an assisted housing program may not manage, hold or deposit in a financial institution the personal funds of a resident of the facility unless the operator or agent has received written permission from:

A. The resident if the resident does not have a guardian, trustee or conservator;

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

C. The department if a guardian, trustee or conservator exists but can not be reached.

2. Itemized accounting. An operator or agent of an assisted housing program who, after receiving written permission pursuant to subsection 1, manages or holds the personal funds of a resident shall maintain an account for these funds, which must include for each resident a separate, itemized accounting for the use of that resident's personal funds with supporting documentation for every expenditure in excess of \$2.

3. Depositing personal funds. The department may require an operator or agent of an assisted housing program 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.

4. Use of personal funds by operator prohibited. Under no circumstances may an operator or agent of an assisted housing program use the personal funds of a resident for the operating costs of the facility or for services or items that are reimbursed by a 3rd party. The personal funds of a resident may not be commingled with the business funds of the facility or with the personal funds or accounts of the owner, a member of the owner's family or an employee of the facility.

§7858. Certain residential care payments

The department shall:

1. Facilities with 4 or fewer beds. Reimburse all residential care facilities of up to 4 beds at a rate of at least \$433 per month; and

2. Facilities with 5 or 6 beds. Reimburse all residential care facilities of 5 or 6 beds whose residents do not have severe mental or physical dysfunction or disability on a flat rate basis of at least \$601 per month.

§7859. Residents' records

Whenever there are pertinent and available health and other records about a person who seeks admission as a resident to a residential care facility, those records must be provided to the administrator of the facility at least 7 days prior to the date of admission, unless there are compelling reasons that make this impossible or impractical. If there are compelling reasons, including, but not limited to, emergency situations, the administrator must receive, by not later than the date of admission, a written note that:

1. Reasons explained. Explains the compelling reasons why the records could not be provided 7 days prior to the date of admission; and

2. When records will be provided. If the records have not yet been received, states by when the records will be provided.

This section may not be construed to mean that a resident who is not a client of the department or the Department of Behavioral and Developmental Services is required, as a condition of admission, to provide records to the administrator of the residential care facility.

§7860. Shared staffing

The department shall permit shared staffing between residential care facilities and other levels of assisted housing on the same premises as long as there is a clear, documented audit trail and the staffing in the residential care facilities remains adequate to meet the needs of residents. Staffing to be shared may be based on the average number of hours used per week or month within the assisted housing program. For the purposes of this section, "shared staffing" means the use of licensed and unlicensed personnel who are employed, directly or under a contract, by a long-term care facility in more than one level of care provided by a single entity on the same premises.

§7861. Administration of assisted housing programs funded by the State; eligible clients

The Department of Human Services, Bureau of Elder and Adult Services, with advice from the Maine State Housing Authority, the Rural Housing Services or any other housing agency financing assisted housing programs, shall administer state-funded assisted housing programs. Administration must include, but is not limited to:

1. Rules; payment for assisted housing programs. Adopting rules governing the services to be provided under assisted housing programs paid for with state funds. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A;

2. Compliance with standards and guidelines. Reviewing the compliance of assisted housing programs with standards and guidelines established for the programs; and

3. Awarding of grants. Awarding of grants, when available and necessary, to subsidize the cost of assisted housing programs for eligible clients.

For the purposes of this subsection, "eligible clients" means adults who have been determined through an

approved assessment by the department to be functionally or cognitively impaired and in need of financial assistance to access assisted housing programs.

Sec. A-2. 22 MRSA c. 1665, as amended, is repealed.

PART B

Sec. B-1. 12 MRSA §7076, sub-§8, ¶D, as repealed and replaced by PL 1989, c. 502, Pt. D, §7, is repealed.

Sec. B-2. 18-A MRSA §5-311, sub-§(c), as amended by PL 1995, c. 51, §1, is further amended to read:

(c) No owner, proprietor, administrator, employee or other person with a substantial financial interest in a facility or institution licensed under Title 22, sections 1817 and 7801, may act as guardian of an incapacitated person who is a resident, as defined in Title 22, section ~~7901-A~~ 7852, subsection 13, unless the person requesting to be appointed guardian is one of the following:

- (1) The spouse of the incapacitated person;
- (2) An adult child of the incapacitated person;
- (3) A parent of the incapacitated person or a person nominated by the will of a deceased parent; or
- (4) A relative of the incapacitated person with whom the incapacitated person has resided for more than 6 months prior to the filing of the petition for appointment.

Sec. B-3. 22 MRSA §1714-A, sub-§1, ¶A, as enacted by PL 1991, c. 9, Pt. G, §4, is amended to read:

A. "Boarding home" means any facility that meets the definition of former section 7901-A, subsection 4 or the definition of residential care facility in section 7852, subsection 14.

Sec. B-4. 22 MRSA §1714-A, sub-§2, as amended by PL 1991, c. 568, §1, is further amended to read:

2. Establishment of debt. A debt is established by the department when it notifies a provider of debt; ~~or when the Maine Health Care Finance Commission notifies a hospital that the hospital that the provider~~ owes the department pursuant to a final reconciliation decision and order. A debt is collectible by the department 31 days after exhaustion of all administrative appeals and any judicial review available under Title 5, chapter 375.

Sec. B-5. 22 MRSA §1812-G, sub-§3, as amended by PL 1995, c. 670, Pt. B, §2 and affected by Pt. D, §5, is further amended to read:

3. Eligibility requirements for listing. The State Board of Nursing shall adopt rules pursuant to the Maine Administrative Procedure Act defining eligibility requirements for listing on the Maine Registry of Certified Nursing Assistants, including rules regarding temporary listing of nursing assistants who have received training in another jurisdiction. The rules must permit nursing assistants to work under the supervision of a registered professional nurse in a facility providing assisted living services as defined in chapter ~~4665~~ 1664 and must recognize work in those facilities for the purpose of qualifying for and continuing listing on the registry. Rules adopted regarding the work of nursing assistants in facilities providing assisted living services are routine technical rules as defined by Title 5, chapter 375, subchapter II-A.

Sec. B-6. 22 MRSA §1824, as enacted by PL 1975, c. 719, §4, is amended to read:

§1824. Personal funds of residents

The operator or agent of any skilled nursing or intermediate care facility, licensed pursuant to this chapter, who manages, holds or deposits the personal funds of any resident of the facility ~~shall be~~ is subject to all the procedures and provisions included in section ~~7905~~ 7857.

Sec. B-7. 22 MRSA §2053, sub-§3-A, as amended by PL 1995, c. 670, Pt. C, §2 and affected by Pt. D, §5, is further amended to read:

3-A. Health care facility. "Health care facility" means a nursing home that is, or will be upon completion, licensed under chapter 405; a residential care facility that is, or will be upon completion, licensed under chapter 1663; a continuing care retirement community that is, or will be upon completion, licensed under Title 24-A, chapter 73; an assisted living facility that is, or will be upon completion, licensed under chapter ~~4665~~ 1664; a hospital; a community mental health facility; or a community health center.

Sec. B-8. 22 MRSA §2147, sub-§11, as amended by PL 1989, c. 119, §2, is further amended to read:

11. Licensed residential care facilities. ~~Boarding Residential~~ Residential care facilities licensed pursuant to chapters 1663 and ~~4665~~ 1664 when the services are provided to clients residing in those facilities;

Sec. B-9. 22 MRSA §5107-A, first ¶, as amended by PL 1995, c. 670, Pt. B, §3 and affected by Pt. D, §5, is further amended to read:

In accordance with the program established pursuant to section 5106, subsection 11-C, the ombudsman may enter onto the premises of any residential care facility, as defined in section ~~7901-C~~ 7852, subsection 14, licensed according to section 7801, any assisted living facility licensed pursuant to chapter 1663 or ~~1665~~ 1664 and any nursing facility licensed according to section 1817 to investigate complaints concerning those facilities or to perform any other functions authorized by this section or other applicable law or rules. The ombudsman shall investigate complaints received on behalf of individuals receiving long-term care services provided by home-based care programs, the Medicaid waiver program, licensed home health agencies, assisted living services providers, certified homemaker agencies and licensed adult day care agencies. To carry out this function, any staff member or volunteer authorized by the ombudsman may enter onto the premises of any residential care facility, assisted living facility or nursing facility during the course of an investigation, speak privately with any individual in the facility who consents to the conversation and inspect and copy all records pertaining to a resident as long as the resident or the legal representative of the resident consents in writing to that inspection. The consent, when required and not obtainable in writing, may be conveyed orally or otherwise to the staff of the facility. When a resident is not competent to grant consent and has no legal representative, the ombudsman may inspect the resident's records and may make copies without the written consent of a duly appointed legal representative. The ombudsman may authorize as many individuals as necessary, in addition to staff, to carry out this function except that these individuals may not make copies of confidential client information. Appropriate identification must be issued to all such persons. In accordance with the federal 1987 Older Americans Act, 42 United States Code, as amended, a person may not serve as an ombudsman without training as to the rights and responsibilities of an ombudsman or without a specific plan of action under direction of the ombudsman. The ombudsman shall renew the authorization and issue identification annually. The findings of the ombudsman must be available to the public upon request.

Sec. B-10. 22 MRSA §7302, sub-§6, as enacted by PL 1981, c. 511, §1, is amended to read:

6. Institutional settings. "Institutional settings" means ~~boarding residential~~ care facilities, licensed pursuant to chapter ~~1665~~ 1664; intermediate care and skilled nursing facilities and units and hospitals, licensed pursuant to chapter 405; and state institutions

for individuals who are mentally ill or mentally retarded or who have related conditions.

Sec. B-11. 22 MRSA §7703, sub-§2, ¶F, as amended by PL 1989, c. 502, Pt. A, §81, is further amended to read:

F. Any information about the private life of any person who has applied for a license or approval or is or has been licensed or approved as an adult foster home, ~~as defined in section 7901-A, subsection 3~~ licensed pursuant to chapter 1663, and family foster home as defined in section 8101, subsection 3, in which there is no legitimate public interest and which would be offensive to a reasonable person, if disclosed.

Sec. B-12. 22 MRSA §7801, sub-§1, ¶A-1, as enacted by PL 1995, c. 670, Pt. B, §5 and affected by Pt. D, §5, is amended to read:

A-1. In accordance with subparagraphs (1) and (2), ~~a congregate an assisted housing services~~ program either directly or by contract providing to its residents any of the following services: personal care assistance, the administration of medication or nursing services.

(1) A ~~congregate assisted housing services~~ program may directly provide to its residents meals, housekeeping and chore assistance, case management and personal care assistance delivered on the site of congregate housing without obtaining a separate license to do so.

(2) ~~A congregate housing services~~ An assisted housing program licensee may hold at any one time only one license under ~~section 7901-B, subsection 2~~ this subsection. A qualified ~~congregate housing services~~ assisted housing program may obtain a license for a different category under ~~section 7901-B, subsection 2~~ this subsection, upon application and surrender of the previous license;

Sec. B-13. 22 MRSA §7922, sub-§1, as amended by PL 1995, c. 670, Pt. B, §7 and affected by Pt. D, §5, is further amended to read:

1. Long-term care facility. "Long-term care facility" means any facility program of assisted living licensed pursuant to chapters 1663 and ~~1665~~ 1664, and any nursing facility or unit licensed pursuant to chapter 405.

Sec. B-14. 22 MRSA §7924, sub-§1, as amended by PL 1997, c. 260, §2 and PL 2001, c. 354, §3, is further amended to read:

1. Alleged violations reported and investigated. Any person who believes that any of those rules governing the licensure of long-term care facilities or the operation of assisted living programs and services authorized pursuant to section ~~7901-B~~ 7853 adopted by the Department of Human Services pertaining to residents' rights and conduct of resident care has been violated may report the alleged violation to the protection and advocacy agency designated pursuant to Title 5, section 19501; the long-term care ombudsman pursuant to section 5106, subsection 11-C and section 5107-A; the Office of Advocacy pursuant to Title 34-A, section 1203; and any other agency or person whom the Commissioner of Human Services and the Commissioner of Behavioral and Developmental Services may designate.

Sec. B-15. 22 MRSA §7932, sub-§2, as amended by PL 1999, c. 384, §8, is further amended to read:

2. Facility. "Facility" means any assisted living facility, residential care facility or ~~congregate~~ assisted housing services program subject to licensure pursuant to chapters 1663 and ~~4665~~ 1664, any nursing facility or unit subject to licensure pursuant to chapter 405 and any private psychiatric hospital subject to licensure pursuant to chapter 405.

Sec. B-16. 22 MRSA §7942, sub-§3, as amended by PL 1999, c. 384, §17, is further amended to read:

3. Long-term care facility. "Long-term care facility" means an assisted living facility or ~~congregate housing services~~ assisted living program subject to licensure pursuant to chapters 1663 and ~~4665~~ 1664 and a nursing or intermediate care facility or unit subject to licensure pursuant to chapter 405.

Sec. B-17. 22 MRSA §7948, sub-§1, as amended by PL 1997, c. 260, §3, is further amended to read:

1. Generally. Any resident whose rights have been violated as described in this section may commence a civil action in the Superior Court on that resident's own behalf for injunctive and declaratory relief against any long-term care facility or provider of assisted living programs and services that is alleged to be in violation of any rule described in section 7853 or 7924 ~~or 7902-A~~ or in violation of the rights enumerated in 42 United States Code, Section 1396r, Subsection (c). In order to grant a preliminary or permanent injunction under this section, the Superior Court must find that:

A. The plaintiff will suffer irreparable injury if the injunction is not granted;

B. The irreparable injury outweighs any harm that granting the injunctive relief would inflict on the defendant;

C. The plaintiff has exhibited a likelihood of success on the merits of the case; and

D. The public interest will not be adversely affected by granting the injunction.

Sec. B-18. 22 MRSA §8004, as amended by PL 1989, c. 502, Pt. A, §84, is further amended to read:

§8004. Fire safety

All procedures and other provisions included in section ~~7904-A~~ 7855, subsections 1 and 2; for ~~boarding residential~~ residential care facilities ~~shall~~ also apply to drug treatment centers.

Sec. B-19. 22 MRSA §8103, sub-§1, as amended by PL 1997, c. 728, §12, is further amended to read:

1. Procedures. All procedures and other provisions included in section ~~7904-A~~ 7855, subsections 1 and 2; for ~~boarding residential~~ residential care facilities also apply to children's homes, except that the written statement referred to in section ~~7904-A~~ 7855, subsection 1 need not be furnished annually by the Commissioner of Public Safety to the department when a children's home serves only one or 2 children.

Sec. B-20. 22 MRSA §8551, sub-§1, ¶A, as enacted by PL 1995, c. 205, §1, is amended to read:

A. A residential care facility subject to licensure pursuant to chapter 1663 or ~~4665~~ 1664;

Sec. B-21. 22 MRSA §8702, sub-§4, as amended by PL 1999, c. 353, §1, is further amended to read:

4. Health care facility. "Health care facility" means a public or private, proprietary or not-for-profit entity or institution providing health services, including, but not limited to, a radiological facility licensed under chapter 160, a health care facility licensed under chapter 405 or certified under chapter 405-D, a federally qualified health center or rural health clinic certified by the Division of Licensing and Certification within the Department of Human Services, a home health care provider licensed under chapter 419, a residential care facility licensed under chapter ~~4665~~ 1664, a hospice provider licensed under chapter 1681, a community rehabilitation program licensed under Title 20-A, chapter 701, a state institution as defined under Title 34-B, chapter 1 and a mental health facility licensed under Title 34-B, chapter 1.

Sec. B-22. 25 MRSA §2452, last ¶, as amended by PL 1997, c. 728, §25, is further amended to read:

Existing boarding care facilities licensed pursuant to Title 22, subtitle 6, must comply with the applicable fire safety requirements of the Life Safety Code adopted by the Commissioner of Public Safety pursuant to Title 22, section ~~7904-A~~ 7856.

Sec. B-23. 36 MRSA §652, sub-§1, ¶A, as amended by PL 1997, c. 668, §20 and PL 2001, c. 354, §3, is further amended to read:

A. The real estate and personal property owned and occupied or used solely for their own purposes by benevolent and charitable institutions incorporated by this State. Such an institution may not be deprived of the right of exemption by reason of the source from which its funds are derived or by reason of limitation in the classes of persons for whose benefit such funds are applied.

For the purposes of this paragraph, "benevolent and charitable institutions" include, but are not limited to, nonprofit nursing homes and nonprofit boarding homes and boarding care facilities licensed by the Department of Human Services pursuant to Title 22, chapter ~~4665~~ 1664 or its successor, nonprofit community mental health service facilities licensed by the Commissioner of Behavioral and Developmental Services pursuant to Title 34-B, chapter 3 and nonprofit child care centers incorporated by this State as benevolent and charitable institutions. For the purposes of this paragraph, "nonprofit" means a facility exempt from taxation under Section 501(c)(3) of the Code;

Sec. B-24. 36 MRSA §652, sub-§1, ¶C, as amended by PL 1997, c. 442, §3 and PL 2001, c. 354, §3, is further amended by amending subparagraph (6), division (b) subdivision (i), to read:

(i) Property used as a nonprofit nursing home, ~~boarding home or boarding residential~~ care facility licensed by the Department of Human Services pursuant to Title 22, chapter ~~4665~~ 1663 or a community living arrangement as defined in Title 30-A, section 4357-A or any property owned by a nonprofit organization licensed or funded by the Department of Behavioral and Development Services to provide services to or for the benefit of persons with mental illness or mental retardation;

Sec. B-25. Effective date; transition provisions. This Act takes effect October 1, 2002. Rules adopted by the Department of Human Services regarding assisted living programs and services that are in effect on October 1, 2002 remain in effect as to the assisted living programs and services until replaced by rules adopted pursuant to the provisions of this Act.

Effective October 1, 2002.

CHAPTER 597

H.P. 1676 - L.D. 2177

An Act to Implement the Recommendations of the Joint Standing Committee on State and Local Government Pursuant to Reviews Conducted under the State Government Evaluation Act

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

Sec. 1. 3 MRSA §959, sub-§1, ¶M, as amended by PL 1999, c. 790, Pt. D, §3 and affected by §14, is further amended to read:

M. The joint standing committee of the Legislature having jurisdiction over state and local government matters shall use the following list as a guideline for scheduling reviews:

(1) Capitol Planning Commission in ~~1997~~ 2003;

(1-A) Maine Governmental Facilities Authority in ~~1999~~ 2005;

(2) State Civil Service Appeals Board in ~~1999~~ 2005;

(3) State Claims Commission in ~~1999~~ 2005;

(4) Maine Municipal Bond Bank in ~~2001~~ 2007;

(5) Office of Treasurer of State in ~~2001~~ 2007;

(6) Department of Administrative and Financial Services, except for the Bureau of Revenue Services, in 2003;

(7) Department of the Secretary of State, except for the Bureau of Motor Vehicles, in 2003; and