

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

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

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Lewiston, Maine
2003

3. Facility services. The commissioner shall provide ~~aftercare~~ community reintegration services to a juvenile client.

4. Cancellation. If the commissioner is satisfied at any time that the welfare of the juvenile client will be promoted by return to the Mountain View Youth Development Center, the commissioner may cancel the ~~aftercare~~ community reintegration status and resume charge of the client with the same powers as before the placement on ~~aftercare~~ community reintegration status was made.

Sec. 21. 34-A MRSA §4113, first ¶, as enacted by PL 1999, c. 583, §45 and amended by PL 2001, c. 439, Pt. G, §8, is further amended to read:

When a juvenile client who has been placed on ~~aftercare~~ community reintegration status, who has been granted a furlough or work or education release or who has been absent from the Mountain View Youth Development Center without leave is taken into custody for the purpose of return to the Mountain View Youth Development Center by an officer or employee of the Mountain View Youth Development Center, at the direction of the commissioner, or by a law enforcement officer, at the request of the commissioner, and, because of the juvenile client's distance from the Mountain View Youth Development Center at the time of being taken into custody, it becomes necessary to detain the client overnight:

Sec. 22. 34-A MRSA §4116, sub-§2, as enacted by PL 1999, c. 583, §45 and amended by PL 2001, c. 439, Pt. G, §8, is further amended to read:

2. Reversion. Upon discharge or placement on ~~aftercare~~ community reintegration status from the Mountain View Youth Development Center, the custody of the juvenile reverts to the Department of Human Services, if the juvenile is still under 18 years of age.

Sec. 23. 34-A MRSA §5602, sub-§2, ¶C, as amended by PL 1999, c. 583, §46, is further amended to read:

C. To provide appropriate services to juveniles committed to a juvenile correctional facility who are in the community on ~~aftercare~~ community reintegration status.

See title page for effective date.

CHAPTER 411

H.P. 1131 - L.D. 1542

An Act To Effectively Separate Children's Homes from Adult Residential Care Facilities Regarding Fire Safety

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

Sec. 1. 22 MRSA §8103, as amended by PL 2001, c. 515, §1 and c. 596, Pt. B, §19 and affected by §25, is further amended to read:

§8103. Fire safety; inspections for children's homes

~~**1. Procedures.** All procedures and other provisions included in section 7904 A, subsections 1 and 2, for boarding care facilities also apply to children's homes, except that the written statement referred to in section 7904 A, subsection 1 need not be furnished annually by the Commissioner of Public Safety to the department for a facility licensed as a family foster home or a specialized children's home. In these instances an inspection must be performed every 2 years.~~

~~**1. Procedures.** All procedures and other provisions included in section 7855, subsections 1 and 2 for residential care facilities also apply to children's homes, except that the written statement referred to in section 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.~~

1-A. Inspection required. Except as provided in subsection 2, the department may not issue a license to operate to a children's home 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 children's home has complied with applicable fire safety provisions referred to in Title 25, section 2452.

2. Temporary license. The department may issue a temporary license to operate a family foster home, as defined by section 8101, subsection 3, without complying with the requirement to receive a written, signed statement under subsection 1, 1-A prior to issuing the license, as long as a preliminary evaluation of the home reveals no obvious fire safety violations.

3. Fees. The department shall establish and pay reasonable fees to the Commissioner of Public Safety for each inspection required pursuant to subsection 1-A.

4. Requirements for facilities with 17 or more beds. A children's home that has a capacity of 17 or more beds must comply with the Life Safety Code of the National Fire Protection Association, Residential Board and Care Occupancies sections for large facilities as adopted by the Commissioner of Public Safety.

5. Requirements for children's home with more than 3 but fewer than 17 beds. A children's home that has a capacity of more than 3 but fewer than 17 beds must comply with the Life Safety Code of the National Fire Protection Association, Residential Board and Care Occupancies sections for small facilities as adopted by the Commissioner of Public Safety. In addition, automatic emergency lights must be provided in the number and location required by the Commissioner of Public Safety.

6. Requirements for children's home with 6 or fewer beds. Notwithstanding subsection 5, the department may consider a children's home that has 6 or fewer residents, all of whom can evacuate the home without the assistance of another person in 3 minutes or less, to be in compliance with the one-family and 2-family dwelling requirements of the Life Safety Code of the National Fire Protection Association as adopted by the Commissioner of Public Safety. Facilities having 3 or fewer residents must meet the requirements of the one-family and 2-family dwelling chapter of the Life Safety Code of the National Fire Protection Association as adopted by the Commissioner of Public Safety.

7. Local regulations. Nothing in this section prevents a locality from imposing requirements for children's homes more stringent than those required in this section.

Sec. 2. 25 MRSA §2452, 2nd ¶ from the end, as amended by PL 1997, c. 728, §25, is further amended to read:

Existing buildings licensed pursuant to Title 22, ~~sub~~ Subtitle 6, having more than 6 boarders, with the exception of ~~boarding board and~~ care facilities and children's homes, must comply with any rules for residential-custodial care facilities required by the Commissioner of Public Safety, except that such existing facilities of not more than 2 stories in height are not required to be fire resistive, protected or unprotected noncombustible, protected wood frame or heavy timber construction. Such existing facilities

must be protected by a complete approved automatic sprinkler system and meet all other requirements of residential-custodial care facilities as required by the Commissioner of Public Safety.

Sec. 3. 25 MRSA §2452, as amended by PL 2001, c. 596, Pt. B, §22 and affected by §25, is further amended by inserting at the end a new paragraph to read:

Existing children's homes licensed pursuant to Title 22, Subtitle 6, must comply with the applicable fire safety requirements of the Life Safety Code of the National Fire Protection Association adopted by the Commissioner of Public Safety pursuant to Title 22, section 8103.

See title page for effective date.

CHAPTER 412

H.P. 1169 - L.D. 1595

An Act To Enhance Electric Utility Consumer Protections

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

Sec. 1. 35-A MRSA §3104 is enacted to read:

§3104. Schedule of regular meter readings required

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Investor-owned transmission and distribution utility" means a transmission and distribution utility other than a consumer-owned transmission and distribution utility as defined in section 3201.

2. Requirement. An investor-owned transmission and distribution utility shall adopt and ordinarily follow as a general operating policy a schedule of reading customer meters on a monthly basis. Any investor-owned transmission and distribution utility that plans to adopt a different policy, such as bi-monthly meter readings, must receive prior approval of the commission.

See title page for effective date.
