

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2010 to June 29, 2011**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 28, 2011**

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

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**Augusta, Maine**  
**2011**

nity organizations. The residential council may include allies elected by the residents.

**2. Duties.** ~~The government of the persons receiving services~~ residential council shall work closely with the ~~division~~ Office of Adults with Cognitive and Physical Disability Services and the Office of Advocacy to promote the interests and welfare of all ~~residents in the facility~~ persons receiving services from the provider.

**PART B**

**Sec. B-1. Develop recommendations for changes in statutory language.** The Department of Health and Human Services and the Maine Developmental Disabilities Council, with the assistance of the Revisor of Statutes, shall review the Maine Revised Statutes to identify those sections that use the term "mental retardation" or the term "mentally retarded" and develop recommendations for removal of the terms or substitutions of language that reflect the recommendations of the respectful language working group in the report submitted by the Maine Developmental Disabilities Council to the Joint Standing Committee on Health and Human Services pursuant to Resolve 2007, chapter 62. The department and the council shall invite the participation of the Disability Rights Center in the development of those recommendations.

**Sec. B-2. Report and recommendations.** By December 7, 2011, the Department of Health and Human Services and the Maine Developmental Disabilities Council shall submit a report, including proposed legislation, to the Joint Standing Committee on Health and Human Services regarding recommended changes for the Maine Revised Statutes.

**Sec. B-3. Authority for legislation.** After receipt and review of the recommendations submitted pursuant to section 2, the Joint Standing Committee on Health and Human Services may submit legislation to the Second Regular Session of the 125th Legislature to implement the recommendations.

See title page for effective date.

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**CHAPTER 187**

**S.P. 411 - L.D. 1334**

**An Act To Require the Department of Health and Human Services To License Families To Provide Care for Children in Foster Care**

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

**Sec. 1. 22 MRSA §8101, sub-§3,** as amended by PL 1999, c. 392, §4 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

**3. Family foster home.** "Family foster home" means a children's home, other than an Indian foster family home, that is a private dwelling where substitute parental care is provided within a family on a regular, 24-hour a day, residential basis. The total number of children in care may not exceed 6, including the family's legal children under 16 years of age, with no more than 2 of these children under the age of 2. "Family foster home" includes the home of a resource family whether the family provides foster care, kinship care, adoption or permanency guardianship services, as long as the home meets the requirements and standards for adoption of children in foster care. Family foster homes licensed by the Department of Health and Human Services or relatives' homes approved by the Department of Health and Human Services as meeting licensing standards are eligible for insurance pursuant to Title 5, section 1728-A. In any action for damages against a family foster home provider insured pursuant to Title 5, section 1728-A, for damages covered under that policy, the claim for and award of those damages, including costs and interest, may not exceed \$300,000 for any and all claims arising out of a single occurrence. When the amount awarded to or settled for multiple claimants exceeds the limit imposed by this section, any party may apply to the Superior Court for the county in which the governmental entity is located to allocate to each claimant that claimant's equitable share of the total, limited as required by this section. Any award by the court in excess of the maximum liability limit must be automatically abated by operation of this section to the maximum limit of liability. Nothing in this subsection may be deemed to make the operation of a family foster home a state activity nor may it expand in any way the liability of the State or foster parent.

See title page for effective date.

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**CHAPTER 188**

**S.P. 258 - L.D. 854**

**An Act To Require the Treasurer of State To Publish All State Liabilities**

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

**Sec. 1. 5 MRSA §155** is enacted to read:

**§155. State liabilities**

By July 31st of each year, the Treasurer of State shall publish on the publicly accessible portion of the treasurer's website the latest information available