

# MAINE STATE LEGISLATURE

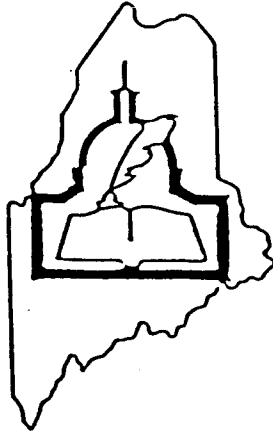
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STATE OF MAINE  
ONE HUNDRED AND TWELFTH LEGISLATURE  
SECOND REGULAR SESSION

JOINT STANDING COMMITTEE ON  
HUMAN RESOURCES  
BILL SUMMARY



MAY 1986

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ONE HUNDRED AND TWELFTH LEGISLATURE  
SECOND REGULAR SESSION

JOINT STANDING COMMITTEE  
BILL SUMMARIES  
MAY 1986

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature, covering the Second Regular Session of the 112th Legislature. The summaries are arranged by LD number under each committee.

All Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor if it is a floor amendment or the designation "CA" if it is a committee amendment. If the amendment was adopted in the House, the letter H appears after the sponsor. If it was adopted in the Senate, the letter S appears.

Final action for each bill is listed to the right of the title. If final House action and Senate action differ, both are listed.

Key to Committee Reports and Floor Action:

OTP	Ought to Pass
OTP-ND	Ought to Pass in New Draft
OTP-ND-NT	Ought to Pass in New Draft, New Title
OTP-AM	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

6. It adds a new provision to require the Health Care Finance Commission to report annually to the Bureau of Insurance regarding the savings to the payors as a result of the Health Care Finance Commission Act. This report shall be considered by the Bureau of Insurance in approving health insurance rates. The Joint Standing Committee of the Legislature on Human Resources will receive a copy of this report.

LD  
2401

AN ACT TO PROTECT THE PUBLIC HEALTH AND SAFETY  
OF RESIDENTS IN BOARDING CARE FACILITIES

PL 1985  
c. 770

Sponsor: GAUVREAU, Melendy  
Committee Report: New draft of LD 2207

SUMMARY: This new draft amends the boarding care facilities' laws to accomplish the following:

1. It introduces the term "boarding care facility" to include a boarding home, which has 5 or more residents, and an adult foster home, which has 4 or less residents. The minimum size of a boarding home is amended from 3 residents to 5 residents.
2. It amends the law to prohibit owners, operators and employees from becoming guardians for residents in boarding care facilities unless they are relatives. Prior law was worded to prohibit the facility from acting as guardian, but not the personnel. The original bill would have allowed these personnel to act as guardians with court approval.
3. It prohibits employees of boarding care facilities from becoming conservators of the estates of residents.
4. It defines more clearly the source of funds for state assisted residents to pay boarding care facilities.
5. It changes the terminology in the licensing law to be consistent with this bill and clearly defines when a license is required for an adult foster home. It also allows those facilities with 3 or 4 residents, currently classified as boarding homes and who will be reclassified as adult foster homes under the amended resident requirements (Item #1, above), to retain their classification as boarding homes even though the number of residents in that home would have required reclassification.
6. It repeals and replaces the current definition section of the law. It establishes the definition of boarding care facility and amends the resident requirement which distinguishes boarding homes from adult foster homes as previously mentioned. In addition, some technical

changes have been made and several substantive provisions of current law have been removed from the definition and placed in a new section.

7. It requires certification of personnel who administer medications in any size boarding home. Prior law only required certification in homes with 15 or more residents.

8. It amends the fire safety requirements for boarding care facilities to reflect changes in the Life Safety Code adopted by the State Fire Marshal and deletes the fire safety rule for boarding homes in the Maine Revised Statutes, Title 22.

9. It enacts 3 new sections of law to reallocate the substantive sections of the definitions which were deleted. In addition to reallocating current law, this section also includes 2 new provisions. One would allow a resident who becomes temporarily nonambulatory or mobile nonambulatory to remain in the boarding care facility as long as the person's attending physician found it appropriate as in the Maine Revised Statutes, Title 22, section 7911. The 2nd addition is for the Home and Community Based Waiver Program and allows exceptions to the prohibition on mobile nonambulatory and nonambulatory residents in boarding care facilities provided the building meets certain fire standards and a physician certifies that nursing care is not necessary. The remainder of the provisions in these 3 new sections is merely a reallocation of existing law.