

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Increase the Availability of Foster Homes

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

Sec. 1. 22 MRSA §8103, sub-§1-A, as enacted by PL 2003, c. 411, §1, is amended to read:

1-A. Inspection required. Except as provided in subsection 22-A, 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.

Sec. 2. 22 MRSA §8103, sub-§2, as amended by PL 2003, c. 411, §1, is repealed.

Sec. 3. 22 MRSA §8103, sub-§2-A is enacted to read:

2-A. Family foster homes. Family foster homes are exempt from the inspection requirement in subsection 1-A. The department shall inspect a family foster home prior to placing a foster child in the home. The department shall adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A governing the fire and safety inspection of family foster homes.

SUMMARY

This bill eliminates the requirement that the State Fire Marshal inspect a family foster home and certify that it meets all elements of the fire safety code before the Department of Health and Human Services may issue a license to operate as a family foster home. The bill moves the inspection responsibility to the Department of Health and Human Services, which is directed to adopt rules governing the method of inspection.