



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 99

H.P. 67

House of Representatives, January 9, 2023

An Act to Clarify the Allowable Temperature Range in Certain Long-term Care Facilities

Reference to the Committee on Health and Human Services suggested and ordered printed.


ROBERT B. HUNT
Clerk

Presented by Representative DODGE of Belfast.
Cosponsored by Representatives: ANKELES of Brunswick, CRAVEN of Lewiston,
GRAHAM of North Yarmouth, MADIGAN of Waterville, MILLETT of Cape Elizabeth,
WARREN of Scarborough, Senators: BAILEY of York, INGWERSEN of York.

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

2 **Sec. 1. 22 MRSA §1820-B** is enacted to read:

3 **§1820-B. Temperature requirement for nursing facilities**

4 **1. Requirement.** Except as provided in subsection 2, a nursing facility shall maintain
5 a temperature that is not less than 71 degrees Fahrenheit and not more than 81 degrees
6 Fahrenheit in all areas of the facility where residents of the facility are present.

7 **2. Exceptions.** The requirement of subsection 1 does not apply if:

8 **A.** A resident of the nursing facility requires a temperature greater than 81 degrees
9 Fahrenheit; or

10 **B.** A mechanical failure or power outage affects the nursing facility's cooling system
11 as long as the facility engages in mitigation measures under subsection 3.

12 **3. Mitigation measures.** In the event of a mechanical failure or power outage, the
13 nursing facility shall make attempts to keep its residents comfortable in temperatures
14 outside the range of 71 to 81 degrees Fahrenheit by providing extra fluids, providing
15 cooling cloths, rotating patients through rooms that may still be within the temperature
16 range required in subsection 1 or other procedures established by the department by rule
17 pursuant to subsection 5.

18 **4. Funding options.** To comply with this section, a nursing facility may seek funds
19 from any state or federal funding source, including but not limited to funds from Efficiency
20 Maine Trust, the United States Department of Housing and Urban Development and the
21 United States Department of Agriculture rural development funds, and any state or federal
22 funds relating to the COVID-19 pandemic.

23 **5. Rulemaking.** The department shall adopt rules to implement this section. Rules
24 adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter
25 375, subchapter 2-A.

26 **Sec. 2. 22 MRSA §7808** is enacted to read:

27 **§7808. Temperature requirement for residential care facilities**

28 **1. Requirement.** Except as provided in subsection 2, a residential care facility licensed
29 pursuant to this chapter shall maintain a temperature that is not less than 71 degrees
30 Fahrenheit and not more than 81 degrees Fahrenheit in all areas of the facility where
31 residents of the facility are present.

32 **2. Exceptions.** The requirement of subsection 1 does not apply if:

33 **A.** A resident of the residential care facility requires a temperature greater than 81
34 degrees Fahrenheit; or

35 **B.** A mechanical failure or power outage affects the residential care facility's cooling
36 system as long as the facility engages in mitigation measures under subsection 3.

37 **3. Mitigation measures.** In the event of a mechanical failure or power outage, the
38 residential care facility shall make attempts to keep its residents comfortable in
39 temperatures outside the range of 71 to 81 degrees Fahrenheit by providing extra fluids,
40 providing cooling cloths, rotating patients through rooms that may still be within the

1 temperature range required in subsection 1 or other procedures established by the
2 department by rule pursuant to subsection 5.

3 **4. Funding options.** To comply with this section, a residential care facility may seek
4 funds from any state or federal funding source, including but not limited to funds from
5 Efficiency Maine Trust, the United States Department of Housing and Urban Development
6 and the United States Department of Agriculture rural development funds, and any state or
7 federal funds relating to the COVID-19 pandemic.

8 **5. Rulemaking.** The department shall adopt rules to implement this section. Rules
9 adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter
10 375, subchapter 2-A.

11 SUMMARY

12 This bill requires certain long-term care facilities to maintain a temperature of not less
13 than 71 degrees Fahrenheit and not more than 81 degrees Fahrenheit.