

§7801. License or approval required**(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)**

1. License required. Except as provided in subsection 3 or section 7805, a person, firm, corporation or association may not operate any of the following without having, subject to this Subtitle and to the rules adopted by the department under this Subtitle, a written license from the department:

A. A residential care facility; [PL 1993, c. 661, §2 (AMD).]

A-1. In accordance with subparagraphs (1) and (2), an assisted housing facility either directly or by contract providing to its residents any of the following services: personal care assistance, the administration of medication or nursing services.

(1) An assisted housing facility may directly provide to its residents meals, housekeeping and chore assistance, case management and personal care assistance delivered on the site of congregate housing without obtaining a separate license to do so.

(2) An assisted housing facility licensee may hold at any one time only one license under this subsection. A qualified assisted housing facility may obtain a license for a different category under this subsection, upon application and surrender of the previous license; [PL 2023, c. 176, §4 (AMD).]

B. A drug treatment center; [PL 1983, c. 386, §1 (RPR).]

C. A children's home; [PL 1983, c. 386, §1 (RPR).]

D. A child placing agency; [PL 1983, c. 386, §1 (RPR).]

E. A child care facility licensed under section 8301-A, subsection 2; [PL 2021, c. 35, §11 (AMD).]

F. [PL 2001, c. 645, §4 (RP).]

G. An adult day care program; or [PL 2021, c. 35, §12 (AMD).]

H. A family child care provider licensed under section 8301-A, subsection 3. [PL 2021, c. 35, §13 (NEW).]

[PL 2023, c. 176, §4 (AMD).]

2. Approval.

[PL 1985, c. 770, §4 (RP).]

3. Residential care facilities. A residential care facility providing care to no more than 2 residents is not required to obtain a license under subsection 1, unless the license is required for the residential care facilities to receive payment from available state funds, including the State's share of MaineCare reimbursements. The department may issue 2-year licenses and conduct modified surveys for compliance of those facilities as long as the facilities have relatively deficiency-free surveys with no history of health or safety violations.

[PL 2023, c. 89, §2 (AMD).]

3-A. Residential care facilities serving adults with certain conditions. This subsection applies to a residential care facility that provides a setting for an adult with an intellectual disability, autism spectrum disorder, as defined in Title 34-B, section 6002, subsection 1, a related condition, as defined in Title 34-B, section 5001, subsection 5-A, or an acquired brain injury.

A. A residential care facility to which this subsection applies must obtain a license as provided by Title 34-B, section 1203-B. [PL 2023, c. 89, §3 (NEW).]

B. **(TEXT EFFECTIVE UNTIL 7/1/26) (TEXT REPEALED 7/1/26)** A license issued under this chapter before July 1, 2024 to a residential care facility that provides a setting for an adult with

an intellectual disability, autism spectrum disorder, a related condition or an acquired brain injury continues in effect until the license's expiration date, unless subject to the disciplinary authority of the department. [PL 2023, c. 89, §3 (NEW).]

This paragraph is repealed July 1, 2026. [PL 2023, c. 89, §3 (NEW).]
[PL 2023, c. 89, §3 (NEW).]

4. Boarding homes.

[PL 1993, c. 661, §4 (RP).]

5. Residents under age of 18 years. Notwithstanding any age requirement, a person who is 17 years of age or older may be a resident in an adult foster home or boarding home without the home being required to be licensed as a children's home under chapter 1669 if the department determines that such a placement is in the best interests of that person.

[PL 1989, c. 355, §1 (NEW).]

6. National accreditation. A person, firm, corporation or association operating a program or facility described under subsection 1 that receives and maintains accreditation from a national accrediting body approved by the department may be determined by the department to be in compliance with comparable state licensing rules upon its submission to the department of written evidence of compliance including, but not limited to, national accreditation approval, reports, findings and responses. The department may review compliance under this subsection in response to a complaint against the program or facility.

[PL 2021, c. 532, §1 (AMD).]

SECTION HISTORY

PL 1975, c. 719, §6 (NEW). PL 1983, c. 386, §1 (RPR). PL 1985, c. 770, §4 (AMD). PL 1987, c. 389, §§2-4 (AMD). PL 1989, c. 355, §1 (AMD). PL 1993, c. 661, §§2-4 (AMD). PL 1995, c. 670, §B5 (AMD). PL 1995, c. 670, §D5 (AFF). PL 1999, c. 392, §2 (AMD). RR 2001, c. 2, §A36 (COR). PL 2001, c. 596, §B12 (AMD). PL 2001, c. 596, §B25 (AFF). PL 2001, c. 645, §§3,4 (AMD). PL 2011, c. 145, §2 (AMD). PL 2021, c. 35, §§11-13 (AMD). PL 2021, c. 532, §1 (AMD). PL 2023, c. 89, §§2, 3 (AMD). PL 2023, c. 176, §4 (AMD).

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