

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-SIX

—
S.P. 815 - L.D. 2001

**An Act to Clarify the Laws Governing Facilities for Children and Adults
Under the Health and Human Services Laws**

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

Sec. 1. 20-A MRSA §7504, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§7504. Residential-child Children's residential care facilities

"Residential-child Children's residential care facilities" ~~shall~~ must be licensed in accordance with Title 22, section 8104.

Sec. 2. 22 MRSA §4061, sub-§1, as amended by PL 1983, c. 354, §6, is further amended to read:

1. Department. The department shall care for a child ordered into its custody in licensed or approved family foster homes, in other children's residential ~~child~~ care facilities or in other living arrangements as appropriate to meet the child's individual needs.

Sec. 3. 22 MRSA §7703, sub-§2, ¶B, as enacted by PL 1983, c. 691, §2, is amended to read:

B. Notwithstanding sections 3474 and 4008, any information gathered and all records created or obtained in the course of an investigation of neglect or abuse, including all post-investigation activities and proceedings, except a statement indicating whether or not a report of abuse or neglect has been received, the nature of the alleged abuse or neglect and the conclusion reached by the department, if any;

Sec. 4. 22 MRSA §7802, sub-§1-A, as amended by PL 2023, c. 405, Pt. A, §78, is further amended to read:

1-A. Consolidation of functions. All staff performing general licensing functions within the Office of Child and Family Services, including the out-of-home abuse and neglect investigating team when investigating pursuant to section ~~8354, subsection 2,~~ paragraph C 4099-L, are consolidated as a single organizational unit.

Sec. 5. 22 MRSA §8103, sub-§2-A, as enacted by PL 2019, c. 444, §3, is amended to read:

2-A. Family foster homes and specialized children's homes. Family foster homes and specialized children's homes are exempt from the inspection requirement in subsection 1-A. The department shall inspect a family foster home or specialized children's 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 and specialized children's homes.

Sec. 6. 22 MRSA §8104, as amended by PL 2005, c. 12, Pt. RR, §1 and c. 397, Pt. A, §28, is further amended by amending the section headnote to read:

§8104. Interagency licensing Licensing authority and rules

Sec. 7. 22 MRSA §8104, sub-§1, as amended by PL 2005, c. 397, Pt. A, §28, is repealed.

Sec. 8. 22 MRSA §8104, sub-§2, as enacted by PL 1981, c. 260, §5 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

2. Licensing authority. For the purposes of this section, the Department of Health and Human Services shall have ~~has~~ licensing authority for children's residential child care facilities. This authority shall ~~does~~ not relieve any agency of responsibility for the proper and efficient management or evaluation of programs funded by that agency.

Sec. 9. 22 MRSA §8402, sub-§3, ¶A, as amended by PL 2019, c. 154, §10 and affected by §12 and amended by PL 2025, c. 316, §3, is further amended to read:

A. The department shall adopt rules regarding the health of staff as required to protect the health and safety of the children. ~~The rules must include a requirement that every 2 years each licensee, administrator or other staff member of the nursery school who provides care for children be declared free from communicable disease by a licensed physician, nurse practitioner or physician associate.~~ Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 10. 22-A MRSA §206, sub-§5, as enacted by PL 2007, c. 539, Pt. N, §45, is amended to read:

5. Residential-child Children's residential care facilities. The commissioner shall approve all programs for the provision of mental health services to children's residential child care facilities, as defined in Title 22, section 8101, subsection 4, and shall participate in licensure of these programs in accordance with Title 22, section 8104.

Sec. 11. 36 MRSA §1760, sub-§18-A, as amended by PL 2015, c. 300, Pt. A, §15, is further amended to read:

18-A. Certain children's residential child care facilities. Sales to incorporated private nonprofit children's residential child care facilities that are licensed by the Department of Health and Human Services as child care facilities.