

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

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ONE HUNDRED AND TENTH LEGISLATURE

1981

CHAPTER 203

H. P. 62 — L. D. 74

AN ACT to Amend the Eating, Lodging and Recreational Place Licensing Law.

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

Sec. 1. 22 MRSA § 2495, as amended by PL 1977, c. 459, is repealed and the following enacted in its place:

§ 2495. Issuance of licenses

The department shall, within 30 days following receipt of application, issue an annual license to operate any eating establishment, eating and lodging place, lodging place, recreational camp, camping area or mobile home park which is found to comply with this chapter and the regulations adopted by the department.

When any applicant is found, based upon an inspection by the department or by municipal inspection made according to section 2499, not in compliance with the requirements of this chapter or departmental regulations adopted and approved pursuant to section 2496 or 2499, subsection 1, the department may refuse issuance of the initial license, but shall issue a conditional license, except when conditions are found which present a serious danger to the health and safety of the public. A conditional license shall not exceed 90 days. Failure by the conditional licensee to meet the conditions specified by the department shall permit the department to void the conditional license.

The conditional license shall be void when the department has delivered in hand or by certified mail a written notice to the conditional licensee or, if the licensee cannot be reached for service in hand or by certified mail, has left notice thereof at the facility.

The department may redistribute expiration dates for new and renewed licenses to provide for comparable distribution of licenses on a quarterly basis throughout the year and shall prorate the fees for licenses with a term less or more than one year. The prescribed fee shall accompany the application for a new license, or the renewal of a license.

Licenses shall be renewed upon application therefor and upon payment of the prescribed fee and subject to compliance with regulations of the department and with this chapter. The department shall provide licensees with notice of the need for renewal and necessary forms no less than 30 days prior to the expiration of the license.

The issuance of the license provided for in this chapter does not provide

exemption from other state or local laws, ordinances or regulations, notwithstanding any other provision of law.

Licenses erroneously issued by the department are void and shall be returned to the department on demand in a notice delivered by hand or by certified mail to the licensee. For cause, the department may revoke or suspend any license pursuant to section 2500.

Sec. 2. 22 MRSA § 2500, as amended by PL 1977, c. 694, § 352, is further amended by adding at the end a new paragraph to read:

Whenever, upon inspection, conditions are found which violate this chapter or regulations adopted thereunder, or which may endanger the life, health or safety of persons living in or attending any licensed establishment under this chapter, the department may request an emergency suspension of license of the Administrative Court pursuant to Title 4, section 1153, and the court may grant suspension subject to reinstatement following a hearing before the court if cause is not shown.

Effective September 18, 1981

CHAPTER 204

H. P. 459 — L. D. 505

AN ACT to Remove the Authority of a Juvenile Intake Worker to Make Informal Adjustments for Juveniles who Operate a Motor Vehicle under the Influence of Intoxicating Liquor or Drugs.

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

Sec. 1. 15 MRSA § 3301, sub-§ 1, ¶ B, as enacted by PL 1977, c. 520, § 1, is amended to read:

B. Make whatever informal adjustment is practicable without a petition, provided that this paragraph does not apply when the juvenile is accused of having committed a juvenile crime pursuant to section 3103, subsection 1, paragraph E; or

Sec. 2. 15 MRSA § 3308, sub-§ 6, as enacted by PL 1977, c. 664, § 30, is amended by adding at the end a new paragraph to read:

Nothing in this Part may be construed to limit the authority of the Secretary of State, pursuant to Title 29, section 1312, to suspend a person's license or permit and privilege to operate a motor vehicle.

Effective September 18, 1981