

# MAINE STATE LEGISLATURE

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*Maine*  
REVISED STATUTES  
1964

*Prepared Under the Supervision  
of the  
Committee on Revision of Statutes*

Being the Tenth Revision of the  
Revised Statutes of the State  
of Maine, 1964

Volume 4  
Titles 21 to 25



Boston, Mass.  
Boston Law Book Co.

Orford, N. H.  
Equity Publishing Corporation

St. Paul, Minn.  
West Publishing Co.

Text of Revised Statutes  
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State of Maine

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## CHAPTER 405

## LICENSING OF HOSPITALS AND INSTITUTIONS

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**§ 1811. License required; definitions**

No person, partnership, association or corporation, nor any county or local governmental units, shall establish, conduct or maintain in the State any hospital, including any maternity home or hospital, sanatorium, convalescent home, rest home, nursing home or other institution for the hospitalization or nursing care of human beings without first obtaining a license therefor. Hospital, sanatorium, convalescent home, rest home, nursing home and other related institution, within the meaning of this chapter, shall mean any institution, place, building or agency in which any accommodation is maintained, furnished or offered for the hospitalization of the sick or injured or care of any aged or infirm persons requiring or receiving chronic or convalescent care. Nothing in this chapter shall apply to hotels or other similar places that furnish only board and room, or either, to their guests or to such homes for the aged or blind as may be subject to licensing under any other law.

R.S.1954, c. 25, § 265; 1959, c. 378, § 14.

**§ 1812. Maternity home or hospital defined**

A maternity home or hospital shall be defined as a place admitting within a 6-months' period more than one woman not related by blood or marriage to the operator of the home or hospital for care during pregnancy, delivery or the puerperal

period, admissions for the latter being restricted to those within 10 days after childbirth.

R.S.1954, c. 25, § 266.

### **§ 1813. Existing hospitals must obtain licenses**

No person, partnership, association or corporation, nor any county or local governmental units may continue to operate an existing hospital, maternity home or hospital, sanatorium, convalescent home, rest home or nursing home, nor open a hospital, maternity home or hospital, sanatorium, convalescent home, rest home or nursing home unless such operation shall have been approved and regularly licensed by the State.

R.S.1954, c. 25, § 267.

### **§ 1814. Application**

Any person, partnership, association or corporation, including county or local governmental units, desiring a license shall file with the department a verified application containing the name of the applicant desiring said license; whether such persons so applying are 21 years of age; the type of institution to be operated; the location; the name of the person in charge. Application on behalf of a corporation or association or governmental units shall be made by any 2 officers thereof or by its managing agents. All applicants shall submit satisfactory evidence of their ability to comply with the minimum standards of this chapter and all regulations adopted thereunder.

R.S.1954, c. 25, § 268; 1959, c. 378, § 15.

### **§ 1815. Fees**

Each application for a license to operate a hospital, maternity home or hospital, sanatorium, convalescent home, rest home, nursing home or related institution, within the meaning of this chapter, shall be accompanied by a fee of \$15. No such fee shall be refunded. All licenses issued shall be renewed annually upon payment of a like fee. All fees received by the department under this chapter shall be paid into the State Treasury to the credit of the department for the purpose of carrying out this chapter. No license granted shall be assignable or transferable.

R.S.1954, c. 25, § 269; 1959, c. 378, § 16.

**§ 1816. Inspections**

Every building, institution or establishment for which a license has been issued shall be periodically inspected by duly appointed representatives of the Bureau of Health under the rules and regulations to be established by said department. No institution of any kind licensed pursuant to this chapter shall be required to be licensed or inspected under the laws of this State relating to hotels, restaurants, lodging houses, boardinghouses and places of refreshments. No such license shall be issued until the applicant has furnished the department with a written statement signed by the Insurance Commissioner or the proper municipal official designated in Title 25, chapters 311 to 321 to make fire safety inspections that the home and premises comply with said chapters 311 to 321 relating to fire safety. The department shall establish and pay reasonable fees to the municipal official or the Insurance Commissioner for each such inspection. Said written statement shall be furnished annually.

R.S.1954, c. 25, § 270; 1959, c. 378, § 17.

**§ 1817. Issuance of licenses**

The department is authorized to issue licenses to operate hospitals, maternity homes or hospitals, sanatoriums, convalescent homes, rest homes, nursing homes or other related institutions, which, after inspection, are found to comply with this chapter and any reasonable regulations adopted by said department. The department may file a statement or complaint with the Administrative Hearing Commissioner designated in Title 5, chapters 301 to 307, requesting suspension or revocation of any license on any of the following grounds: Violation of this chapter or the rules or regulations issued pursuant thereto; permitting, aiding or abetting the commission of any illegal act in such institution; conduct of practices detrimental to the welfare of the patient. If a license is revoked or suspended, a new application for license may be considered by the department if, when and after the conditions upon which revocation was based have been corrected and evidence of this fact has been satisfactorily furnished. A new license may then be granted after proper inspection has been made and this chapter and rules and regulations thereunder have been complied with and recommendation has been made therefor by the hospital inspector as an agent of the department.

R.S.1954, c. 25, § 271; 1959, c. 378, § 18; 1961, c. 394, § 17; 1963, c. 412, § 23.

**§ 1818. Appeals**

Any person who is aggrieved by the decision of the department in refusing to issue a license or the renewal of a license may file a statement or complaint with the Administrative Hearing Commissioner designated in Title 5, chapters 301 to 307.

R.S.1954, c. 25, § 272; 1959, c. 378, § 19; 1961, c. 394, § 18; 1963, c. 412, § 23.

**§ 1819. Investment of hospital trust funds**

Hospitals may treat any 2 or more trust funds as a single fund solely for the purpose of investment, if such investment is not prohibited by the instrument, judgment, decree or order creating such trust funds. Unless ordered by decree, the hospital so investing said funds is not required to render a court accounting with regard to such funds, but it, as accountant, or any interested person, may by petition to the Superior Court or the probate court in the county where said hospital is located secure approval of such accounting on such conditions as the court may establish.

1959, c. 330, § 2; 1961, c. 417, § 69.

**§ 1820. Standards**

The department shall have the power to establish reasonable standards under this chapter which it finds to be necessary and in the public interest and may rescind or modify such regulations from time to time as may be in the public interest, in so far as such action is not in conflict with any of the provisions of said chapter. No standards, rules or regulations of the department pursuant to this chapter shall be adopted or enforced which would have the effect of denying a license to any hospital or other institution required to be licensed, solely by reason of the school or system of practice employed or permitted to be employed by physicians therein, provided such school or system of practice is recognized by the laws of this State.

R.S.1954, c. 25, § 273; 1959, c. 378, § 20.

**§ 1821. Violations; penalties**

Any person, partnership, association or corporation, including county or local governmental units, establishing, conducting, managing or operating any hospital, maternity home or hospital, sanatorium, convalescent home, rest home, nursing home or institution within the meaning of this chapter, without first obtain-

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ing a license therefor, or who shall violate any of the provisions of said chapter or regulations thereunder, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$100 or by imprisonment for not more than 90 days.

R.S.1954, c. 25, § 274; 1959, c. 330, § 1; c. 378, § 21.