

# **MAINE STATE LEGISLATURE**

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of  
the Maine Attorney General as transferred to  
the Maine State Law and Legislative Reference  
Library on January 19, 2022**

July 13, 1962

Superintendents

Boys and Stevens Training Centers

Courtland D. Perry, Asst. Atty. General

Mental Health and Corrections

Licensing of foster homes.

QUESTION PRESENTED: Are homes used by the Boys and Stevens Training Centers for the placement of children subject to the licensing provisions of the law of the Department of Health and Welfare and the rules and regulations adopted thereunder?

Section 25h of Chapter 25 of the Revised Statutes of Maine, 1954 reads in part as follows:

"No person, firm, corporation or association shall conduct or maintain a boarding-house or home for one or more children under 16 years of age, unattended by parents or guardian, excepting children related to such persons by blood or marriage, or who have been legally adopted by such persons.....without having in full force, subject to the rules and regulations of the department, a written license therefor from the department."

The language quoted above is clear and unambiguous and does not exempt from its licensing requirements homes used by the training centers for the placement of children.

Section 5, Chapter 25h of the Revised Statutes of Maine, 1954 is inapplicable to the laws and relates only to specialised types of institutions and agencies, and to boarding homes for dependent persons over the age of 16, and not to homes such as are provided for in section 25h.

Exceptions found in paragraph 3, of section 5, relating to institutions and agencies under the direction and inspection of the Department of Institutional Services (Mental Health and Corrections) are intended to refer to facilities such as the training centers and not to homes used as foster homes.

It is the opinion of this office that homes into which the Boys Training Center and the Stevens Training Center place children when such homes do not fall within the exceptions set forth in section 25h are subject to the licensing provisions of that section and to the rules and regulations of the Department of Health and Welfare adopted pursuant thereto.