

# MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 1725

H. P. 1230

House of Representatives, January 17, 1966

The Committee on Health and Institutional Services suggested.

JEROME G. PLANTE, Clerk

Presented by Mrs. Carswell of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-SIX

**AN ACT Relative to Issuance and Revocation of Boarding Home Licenses.**

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

**R. S., T. 22, § 5, amended.** The first paragraph of section 5 of Title 22 of the Revised Statutes is amended to read as follows:

'No person, firm, corporation or association shall operate an institution or agency for the care and treatment of defectives, dependents and delinquents or conduct and maintain a boardinghouse or home for the aged, blind or other persons 16 years of age or over without having in full force, subject to the rules and regulations of the department, a written license therefor from the department. The term of such license shall be for one year and the license may be suspended or revoked for just cause. The fee for such license for boarding homes having 4 or less boarders shall be \$5 and for boarding homes having 5 or more boarders the fee shall be \$10. **When any such boarding home, upon inspection by the department, shall be found not to meet all requirements of this section and departmental regulations thereunder, then the department is authorized to issue either a temporary license for a specified period not to exceed 90 days, during which time corrections specified by the department shall be made by said boarding home for compliance with this section and departmental regulations thereunder, if in the judgment of the commissioner the best interest of the public will be so served, or a conditional license setting forth conditions which must be met by the boarding home to the satisfaction of the department. Failure of said boarding home to meet any of such conditions shall immediately void such conditional license by written notice thereof by the department to the conditional licensee or if the said licensee cannot be reached for personal service by notice thereof left at the licensed premises. The fee for such temporary or conditional license for boarding homes having 4 or less boarders shall be \$5 and for board-**

ing homes having 5 or more boarders the fee shall be \$10. A new application for a regular license may be considered by the department if, when and after the conditions set forth by the department at the time of issuance of such temporary or conditional license have been met and satisfactory evidence of this fact has been furnished to said department. When the department believes a license should be suspended or revoked it shall file a statement or complaint with the Administrative Hearing Commissioner designated in Title 5, chapters 301 to 307; provided that whenever, on inspection by the department, conditions are found to exist which violate this section or departmental regulations issued thereunder which, in the opinion of the commissioner, immediately endanger the health or safety of persons, or both such health or safety, living in such boarding homes to such an extent as to create an emergency, the department by its duly authorized agents may suspend said license until such time as the department determines that the emergency no longer exists or until a decision is rendered by the Administrative Hearing Commissioner. The department shall give written notice of such emergency suspension by delivering notice in hand to the licensee. If the licensee cannot be reached for personal service the notice may be left at the licensed premises. Whenever a license is suspended by the department under this emergency provision, the department shall file a complaint with the Administrative Hearing Commissioner requesting suspension or revocation of such license. A person aggrieved by the refusal of the department to issue a license may file a statement or complaint with said Administrative Hearing Commissioner. 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 Title 25, 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 thereafter.