

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 753

S. P. 256

In Senate, February 12, 1973

Referred to the Committee on Health and Institutional Services. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Tanous of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to Inspection and Licensing of Residential Facilities for
the Care, Treatment or Rehabilitation of Drug or Alcohol Users.

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

Sec. 1. R. S., T. 5, § 2301, sub-§ 1, ¶ H, additional. Subsection 1 of section 2301 of Title 5 of the Revised Statutes, as amended, is further amended by adding a new paragraph H to read as follows:

H. All institutions licensed under Title 22, section 5-A.

Sec. 2. R. S., T. 22, § 5-A, additional. Title 22 of the Revised Statutes is amended by adding a new section 5-A to read as follows:

§ 5-A. Inspection and licensing of residential facilities for the care, treatment or rehabilitation of drug or alcohol users

No person, firm, corporation or association shall operate, conduct or maintain in the State any residential facility for the care, treatment or rehabilitation of drug or alcohol users, not otherwise licensed as a medical care facility, 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 annual fee for such license shall be \$25. When any such facility, upon inspection by the department, shall be found not to meet all requirements of this section and departmental regulations 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 facility 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 facility to the satisfaction of the department or the department may refuse to issue any license. Failure of said facility 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 facilities shall be \$25. 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. 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 facilities 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 a 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 Commissioner of Public Safety or his duly authorized representative or the proper municipal official designated in Title 25, chapters 311 to 321 to make fire safety inspections that the facility 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 Commissioner of Public Safety or his duly authorized representative for such inspection. Said written statement shall be furnished annually thereafter.

Whoever violates this section shall be punished by a fine of not more than \$500 or by imprisonment for not more than 60 days.

STATEMENT OF FACT

Residential drug treatment centers in Maine presently are not subject to state inspection and licensing requirements. The purpose of this bill is to subject such centers to the degree of state control now exercised with regard to boarding house, homes for the aged and the blind and other institutions sub-

ject to the Revised Statutes, Title 22, section 5. Nonresidential drug centers, such as rap and rescue centers, are excluded from the provisions of this Act. Also, this Act carries out the provisions for licensing recommended by federal law (P.L. 92-255).