

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
107TH LEGISLATURE

(Filing No. H-655)

HOUSE AMENDMENT "A " to COMMITTEE AMENDMENT "A" to
H.P. 788, L.D. 958, Bill, "AN ACT to Amend the Eating, Lodging
and Recreational Place Licensing Law."

Amend said Amendment by striking out all of the 9th
paragraph before the Statement of Fact and inserting in
place thereof the following:

'Further amend said Bill in section 2 in that part
designated "§2495." by striking out all of the first
paragraph and inserting in place thereof the following:

The department shall, within 30 days following receipt of applica-
tion, issue a license to operate either an eating establishment, an
eating and lodging place, a lodging place, a recreational camp, camping
area or a mobile home park, which is found to comply with this chapter
and any rules and regulations adopted by the department, except when any
such applicant, upon inspection, shall be found not to meet the require-
ments of this chapter or 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 applicant for compli-
ance, or a conditional license setting forth conditions which must be
met by the applicant to the satisfaction of the department.'

Further amend said Amendment in the 7th paragraph before
the Statement of Fact by inserting after the first sentence the
following:

< 'At least 35 days prior
to hearing and for a period of at least (five) days, the department shall

publish notice of its intent and shall send notice to licensed establishments of the time and place when such public hearing is to be held. For a period of at least 30 days prior to said hearing, the department shall make copies of all proposed rules or changes available to any interested person. Any person aggrieved by any decision of the department, including promulgation of regulations, may appeal within 30 days to the Administrative Court Judge \longleftrightarrow and during the time of an appeal, any decision of the department shall be stayed until final decision on appeal is rendered. No rule or regulation promulgated by the department shall interfere with or be inconsistent with any other rulemaking authority or statutory requirement.'

Statement of Fact

This amendment clarifies the provisions and corrects inconsistencies of the Bill that imply that each and every establishment would have to be inspected each time by the department before issuing a license, which would require more staff than the department will have for enforcing the provisions and contradicts the provisions of the Bill providing for local inspection when available. The amendment also establishes a time limit for any delays that the department may take for issuing licenses and also provides for better assurance of public participation in the rule-making process. The amendment also provides for suspending a rule or decision when a person submits an appeal to the Administrative Court Judge or the ~~Court~~ Court, to determine if such rule or decision is proper or in keeping with legislative intent.

HOUSE AMENDMENT " A " to COMMITTEE AMENDMENT "A" to HP 788,
L.D. 958

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Filed by Mr. Goodwin of South Berwick.

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of the House.
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