

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
107TH LEGISLATURE

(Filing No. H-663)

HOUSE AMENDMENT "B" 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 application, issue a license to operate any eating establishment, eating and lodging place, lodging place, recreational camp, camping area or mobile home park which is found to comply with this chapter and any rules and regulations adopted by the department. When any such applicant, upon inspection by the department, shall be found not to meet the requirements of this chapter or departmental regulations thereunder, 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 compliance, 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 any hearing and for a period of at least (five) days, the department shall publish notice of its intent to hold a public hearing and shall send notice to each licensed establishment of the time and place when such public hearing is to be held. 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 proposed rules shall be published within 30 days following the public hearing. Any person aggrieved by any decision of the department, including the promulgation of any rules, may, within 30 days of the decision or the publication of the rules complain to the Administrative Court Judge. The decision or rule of the department may be stayed by the Administrative Court Judge until a final decision on the complaint is rendered.'

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

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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, to determine if such rule or decision is proper or in keeping with legislative intent.

Filed by Mr. Goodwin of South Berwick.

Reproduced and distributed under the direction of the Clerk of the House.

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