

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-152)
110TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 62, L.D. 74, Bill, " AN ACT to Amend the Eating, Lodging and Recreational Place Licensing Law."

Amend the Bill by striking out everything after the enacting clause and inserting in its place the following:

'Sec. 1. 22 MRSA §2495, as amended by PL 1977, c. 459, is repealed and the following enacted in its place:

§2495. Issuance of licenses

The department shall, within 30 days following receipt of application, issue an annual 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 the regulations adopted by the department.

When any applicant is found, based upon an inspection by the department or by municipal inspection made according to section 2499, not in compliance with the requirements of this chapter or departmental regulations adopted and approved pursuant to section 2496 or section 2499, subsection 1, the department may refuse issuance of the initial license or may issue a conditional license for a specified time not exceeding one year. Failure by the conditional licensee to meet the conditions specified by the department shall permit the department to void the conditional license.

The conditional license shall be void when the department has delivered in hand or by certified mail a written notice

to the conditional licensee or, if the licensee cannot be reached for service in hand or by certified mail, has left notice thereof at the facility.

The department may redistribute expiration dates for new and renewed licenses to provide for comparable distribution of licenses on a quarterly basis throughout the year and shall prorate the fees for licenses with a term less or more than one year. The prescribed fee shall accompany the application for a new license, or the renewal of a license.

Licenses shall be renewed upon application therefor and upon payment of the prescribed fee and subject to compliance with regulations of the department and with this chapter. The department shall provide licensees with notice of the need for renewal and necessary forms no less than 30 days prior to the expiration of the license.

The issuance of the license provided for in this chapter does not provide exemption from other state or local laws, ordinances or regulations, notwithstanding any other provision of law.

Licenses erroneously issued by the department are void and shall be returned to the department on demand in a notice delivered by hand or by certified mail to the licensee. For cause, the department may revoke or suspend any license pursuant to section 2500.

Sec. 2. 22 MRSA §2500, as amended by PL 1977, c. 694, §352, is further amended by adding at the end a new paragraph to read:

Whenever, upon inspection, conditions are found which violate this chapter or regulations adopted thereunder, or

which may endanger the life, health or safety of persons living in or attending any licensed establishment under this chapter, the department may request an emergency suspension of license of the Administrative Court pursuant to Title 4, section 1153 and the court may grant suspension subject to reinstatement following a hearing before the court if cause is not shown.

Statement of Fact

This amendment restructures the current/ ^{Title 22,} section 2495 and makes some substantive changes.

The first paragraph of / ^{Title 22, section 2495} is the same as the first sentence of the current law.

The 2nd paragraph/ ^{of Title 22, section 2495} adds in the language about \longleftrightarrow municipal inspections. It retains the bill's language giving the department the power to refuse to issue a license, but specifies that this is for an initial license. The current language \leftarrow \rightarrow referring to temporary licenses and conditonal licenses is modified by the amendment to conditional licenses; why they are awarded, and how they may be voided, are spelled out

The 4th paragraph of / ^{Title 22, section 2495} comprises section 2 and 3 of the bill but modifies section 2 by allowing the term of a license to be less or more than a year in order to fit in with the redistribution.

The 5th paragraph of / ^{Title 22, section 2495} is current language.

The 6th paragraph of / ^{Title 22, section 2495} adds language

specifying that a licensee must comply with all applicable state or local laws, ordinances or regulations.

The 7th paragraph of ^{Title 22, section 2495} follows current law, but adds a new sentence about revocation or suspension for

cause to this section.

Section 2 of the amendment adds a provision for emergency suspension of a license.

Reported by the Majority of the Committee on Health and Institutional Services.
Reproduced and distributed under the direction of the Clerk of the House.

3/30/81

(Filing No. H-152)