

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 1870

6  
7 H.P. 1425

House of Representatives, January 10, 1984

8 Submitted by the Department of Human Services pursuant to Joint Rule  
9 24.

10 Reference to the Committee on Health and Institutional Services is  
suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Nelson of Portland.

11 Cosponsors: Representative Manning of Portland and Representative  
Pines of Limestone.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-FOUR  
16

17 AN ACT to Amend the Statutes Governing the  
18 Licensing and Approval of Adult and Child Care  
19 Programs.  
20

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

23 Sec. 1. 22 MRSA §7802, sub-§2, ¶B, as enacted by  
24 PL 1983, c. 386, §2, is amended to read:

25 B. The terms of full licenses or approvals shall  
26 be as follows:

27 (1) Except as provided in ~~subparagraph~~  
28 subparagraphs (2) and (3), the term of all  
29 full licenses and approvals issued pursuant  
30 to this chapter shall be for one year.

31 (2) The term of a residential child care  
32 facility license shall be for 2 years.

1 (3) The term of a drug treatment center li-  
2 cense may be for either one or 2 years.

3 Sec. 2. 22 MRSa §7802, sub-§2, ¶D, as enacted by  
4 PL 1983, c. 386, §2, is amended to read:

5 D. Regardless of the term of the license, or ap-  
6 ~~proval or registration~~, the department shall moni-  
7 tor for continued compliance with applicable  
8 laws and rules on at least an annual basis.

9 Sec. 3. 22 MRSa §7802, sub-§3, as repealed and  
10 replaced by PL 1983, c. 386, §2, is amended to read:

11 3. Failure to comply with applicable laws and  
12 rules. In taking action ~~under paragraphs A to C~~ pur-  
13 suant to this subsection, the department shall notify  
14 the licensee of the opportunity to request an admin-  
15 istrative hearing or shall file a complaint with the  
16 Administrative Court in accordance with the Maine Ad-  
17 ministrative Procedure Act, Title 5, chapter 375.

18 A. When an applicant fails to comply with appli-  
19 cable law and rules, the department may refuse to  
20 issue or renew the license or approval.

21 B. If, at the expiration of a full or provision-  
22 al license or approval, or during the term of a  
23 full license or approval, the facility fails to  
24 comply with applicable law and rules and, in the  
25 judgment of the commissioner, the best interest  
26 of the public would be served, the department may  
27 issue a conditional license or approval, or  
28 change a full license or approval to a condition-  
29 al license or approval. Failure by the condition-  
30 al licensee to meet the conditions specified by  
31 the department shall permit the department to  
32 void the conditional license or approval or  
33 refuse to issue a full license or approval. The  
34 conditional license or approval shall be void  
35 when the department has delivered in hand or by  
36 certified mail a written notice to the licensee  
37 or, if the licensee cannot be reached for service  
38 in hand or by certified mail, has left written  
39 notice thereof at the agency or facility. For  
40 the purposes of this subsection the term "licens-  
41 ee" means the person, firm, corporation or asso-



1 Section 3 removes an inconsistency with the Maine  
2 Administrative Procedure Act, the Revised Statutes,  
3 Title 5, section 10003, which allows the option of  
4 filing a complaint with the Administrative Court, as  
5 well as requesting an administrative hearing.

6 Section 4 clarifies that the right to appeal ap-  
7 plies to provisional approvals as well as to provi-  
8 sional licenses in order to be consistent with the  
9 Maine Administrative Procedure Act, the Revised Stat-  
10 utes, Title 5, chapter 375.

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