

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1154

H.P. 853

House of Representatives, March 4, 2003

An Act To Establish an Appeal Process for Residential Care Facilities Denied Licensure Due to Fire Safety Issues

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND

Clerk

Presented by Representative SHERMAN of Hodgdon.

Cosponsored by Representatives: BENNETT of Caribou, CLARK of Millinocket, JACKSON of Fort Kent, SMITH of Van Buren, WATSON of Bath.

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

4 **Sec. 1. 22 MRSA §7855, sub-§1-A** is enacted to read:

6 1-A. Appeals. If an official designated under Title 25,
8 section 2360, 2391 or 2392 to make fire safety inspections
10 declines to issue the written statement of compliance required in
12 subsection 1 and issues instead a statement of deficiencies, the
14 residential care facility may within 7 days of receipt of the
16 statement of deficiencies appeal the decision to the Commissioner
18 of Public Safety, who shall, within 30 days after notice to the
20 owner or occupant and a hearing, review the issue and file a
22 decision.

16 SUMMARY

18 Currently, a license may not be issued by the Department of
20 Human Services to a residential care facility unless the State
22 Fire Marshal's Office attests that the facility has complied with
24 applicable fire safety provisions. If the State Fire Marshal's
Office declines to issue the required statement, this bill allows
the residential care facility to appeal the decision, using the
same appeal process established in the Maine Revised Statutes,
Title 25, section 2392 to appeal code violations.